



# 130th MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2021

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Legislative Document

No. 1681

S.P. 542

In Senate, May 6, 2021

**An Act Regarding Telehealth Services for Certain Licensees of the  
Office of Professional and Occupational Regulation and Certain  
Licensees Affiliated with the Department of Professional and  
Financial Regulation**

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Received by the Secretary of the Senate on May 4, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator SANBORN of Cumberland. (GOVERNOR'S BILL)

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §69** is enacted to read:

3 **§69. Telehealth services**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
5 following terms have the following meanings.

6 A. "Asynchronous encounter" means an interaction between an individual and a person  
7 licensed under this chapter through a system that has the ability to store digital  
8 information, including, but not limited to, still images, video files, audio files, text files  
9 and other relevant data, and to transmit such information without requiring the  
10 simultaneous presence of the individual and the person licensed under this chapter.

11 B. "Store and forward transfer" means the transmission of an individual's records  
12 through a secure electronic system to a person licensed under this chapter.

13 C. "Synchronous encounter" means a real-time interaction conducted with an  
14 interactive audio or video connection between an individual and a person licensed  
15 under this chapter or between a person licensed under this chapter and another health  
16 care provider.

17 D. "Telehealth services" means health care services delivered through the use of  
18 information technology and includes synchronous encounters, asynchronous  
19 encounters, store and forward transfers and telemonitoring.

20 E. "Telemonitoring" means the use of information technology to remotely monitor an  
21 individual's health status via electronic means, allowing the person licensed under this  
22 chapter to track the individual's health data over time. Telemonitoring may be  
23 synchronous or asynchronous.

24 **2. Telehealth services permitted.** A person licensed under this chapter may provide  
25 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
26 license, in accordance with any requirements and restrictions imposed by this section and  
27 in accordance with standards of practice.

28 **3. Confidentiality.** When providing telehealth services, a person licensed under this  
29 chapter shall comply with all state and federal confidentiality and privacy laws.

30 **4. Professional responsibility.** All laws and rules governing professional  
31 responsibility, unprofessional conduct and generally accepted standards of practice that  
32 apply to a person licensed under this chapter also apply to that licensee while providing  
33 telehealth services.

34 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
35 licensed under this chapter. These rules must establish standards of practice and  
36 appropriate restrictions for the various types and forms of telehealth services. Rules  
37 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
38 375, subchapter 2-A.

39 **Sec. 2. 32 MRSA c. 9, sub-c. 6** is enacted to read:

40 **SUBCHAPTER 6**

1 TELEHEALTH SERVICES

2 **§566. Definitions**

3 As used in this subchapter, unless the context otherwise indicates, the following terms  
4 have the following meanings.

5 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
6 between a patient and a person licensed under this chapter through a system that has the  
7 ability to store digital information, including, but not limited to, still images, video files,  
8 audio files, text files and other relevant data, and to transmit such information without  
9 requiring the simultaneous presence of the patient and the person licensed under this  
10 chapter.

11 **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
12 of a patient's records through a secure electronic system to a person licensed under this  
13 chapter.

14 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
15 conducted with an interactive audio or video connection between a patient and a person  
16 licensed under this chapter or between a person licensed under this chapter and another  
17 health care provider.

18 **4. Telehealth services.** "Telehealth services" means health care services delivered  
19 through the use of information technology and includes synchronous encounters,  
20 asynchronous encounters, store and forward transfers and telemonitoring.

21 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
22 remotely monitor a patient's health status via electronic means, allowing the person licensed  
23 under this chapter to track the patient's health data over time. Telemonitoring may be  
24 synchronous or asynchronous.

25 **§567. Telehealth services permitted**

26 A person licensed under this chapter may provide telehealth services as long as the  
27 licensee acts within the scope of practice of the licensee's license, in accordance with any  
28 requirements and restrictions imposed by this subchapter and in accordance with standards  
29 of practice.

30 **§568. Confidentiality**

31 When providing telehealth services, a person licensed under this chapter shall comply  
32 with all state and federal confidentiality and privacy laws.

33 **§569. Professional responsibility**

34 All laws and rules governing professional responsibility, unprofessional conduct and  
35 generally accepted standards of practice that apply to a person licensed under this chapter  
36 also apply to that licensee while providing telehealth services.

37 **§570. Rulemaking**

38 The board shall adopt rules governing telehealth services by persons licensed under  
39 this chapter. These rules must establish standards of practice and appropriate restrictions  
40 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
41 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

1           **Sec. 3. 32 MRSA §1533** is enacted to read:

2           **§1533. Telehealth services**

3           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
4           following terms have the following meanings.

5           A. "Asynchronous encounter" means an interaction between an individual and a person  
6           licensed under this chapter through a system that has the ability to store digital  
7           information, including, but not limited to, still images, video files, audio files, text files  
8           and other relevant data, and to transmit such information without requiring the  
9           simultaneous presence of the individual and the person licensed under this chapter.

10          B. "Store and forward transfer" means the transmission of an individual's records  
11          through a secure electronic system to a person licensed under this chapter.

12          C. "Synchronous encounter" means a real-time interaction conducted with an  
13          interactive audio or video connection between an individual and a person licensed  
14          under this chapter or between a person licensed under this chapter and another health  
15          care provider.

16          D. "Telehealth services" means health care services delivered through the use of  
17          information technology and includes synchronous encounters, asynchronous  
18          encounters, store and forward transfers and telemonitoring.

19          E. "Telemonitoring" means the use of information technology to remotely monitor an  
20          individual's health status via electronic means, allowing the person licensed under this  
21          chapter to track the individual's health data over time. Telemonitoring may be  
22          synchronous or asynchronous.

23          **2. Telehealth services permitted.** A person licensed under this chapter may provide  
24          telehealth services as long as the licensee acts within the scope of practice of the licensee's  
25          license, in accordance with any requirements and restrictions imposed by this section and  
26          in accordance with standards of practice.

27          **3. Confidentiality.** When providing telehealth services, a person licensed under this  
28          chapter shall comply with all state and federal confidentiality and privacy laws.

29          **4. Professional responsibility.** All laws and rules governing professional  
30          responsibility, unprofessional conduct and generally accepted standards of practice that  
31          apply to a person licensed under this chapter also apply to that licensee while providing  
32          telehealth services.

33          **5. Rulemaking.** The director shall adopt rules governing telehealth services by  
34          persons licensed under this chapter. These rules must establish standards of practice and  
35          appropriate restrictions for the various types and forms of telehealth services. Rules  
36          adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
37          375, subchapter 2-A.

38                **Sec. 4. 32 MRSA c. 31, sub-c. 7** is enacted to read:

39   **SUBCHAPTER 7**

40   **TELEHEALTH SERVICES**

1           **§2266. Definitions**

2           As used in this subchapter, unless the context otherwise indicates, the following terms  
3           have the following meanings.

4           **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
5           between a patient and a person licensed under this chapter through a system that has the  
6           ability to store digital information, including, but not limited to, still images, video files,  
7           audio files, text files and other relevant data, and to transmit such information without  
8           requiring the simultaneous presence of the patient and the person licensed under this  
9           chapter.

10          **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
11          of a patient's records through a secure electronic system to a person licensed under this  
12          chapter.

13          **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
14          conducted with an interactive audio or video connection between a patient and a person  
15          licensed under this chapter or between a person licensed under this chapter and another  
16          health care provider.

17          **4. Telehealth services.** "Telehealth services" means health care services delivered  
18          through the use of information technology and includes synchronous encounters,  
19          asynchronous encounters, store and forward transfers and telemonitoring.

20          **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
21          remotely monitor a patient's health status via electronic means, allowing the person licensed  
22          under this chapter to track the patient's health data over time. Telemonitoring may be  
23          synchronous or asynchronous.

24          **§2267. Telehealth services permitted**

25          A person licensed under this chapter may provide telehealth services as long as the  
26          licensee acts within the scope of practice of the licensee's license, in accordance with any  
27          requirements and restrictions imposed by this subchapter and in accordance with standards  
28          of practice.

29          **§2268. Confidentiality**

30          When providing telehealth services, a person licensed under this chapter shall comply  
31          with all state and federal confidentiality and privacy laws.

32          **§2269. Professional responsibility**

33          All laws and rules governing professional responsibility, unprofessional conduct and  
34          generally accepted standards of practice that apply to a person licensed under this chapter  
35          also apply to that licensee while providing telehealth services.

36          **§2270. Rulemaking**

37          The board shall adopt rules governing telehealth services by persons licensed under  
38          this chapter. These rules must establish standards of practice and appropriate restrictions  
39          for the various types and forms of telehealth services. Rules adopted pursuant to this section  
40          are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

41          **Sec. 5. 32 MRSA §2287** is enacted to read:

1 **§2287. Telehealth services**

2 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
3 following terms have the following meanings.

4 A. "Asynchronous encounter" means an interaction between a patient and a person  
5 licensed under this chapter through a system that has the ability to store digital  
6 information, including, but not limited to, still images, video files, audio files, text files  
7 and other relevant data, and to transmit such information without requiring the  
8 simultaneous presence of the patient and the person licensed under this chapter.

9 B. "Store and forward transfer" means the transmission of a patient's records through  
10 a secure electronic system to a person licensed under this chapter.

11 C. "Synchronous encounter" means a real-time interaction conducted with an  
12 interactive audio or video connection between a patient and a person licensed under  
13 this chapter or between a person licensed under this chapter and another health care  
14 provider.

15 D. "Telehealth services" means health care services delivered through the use of  
16 information technology and includes synchronous encounters, asynchronous  
17 encounters, store and forward transfers and telemonitoring.

18 E. "Telemonitoring" means the use of information technology to remotely monitor a  
19 patient's health status via electronic means, allowing the person licensed under this  
20 chapter to track the patient's health data over time. Telemonitoring may be  
21 synchronous or asynchronous.

22 **2. Telehealth services permitted.** A person licensed under this chapter may provide  
23 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
24 license, in accordance with any requirements and restrictions imposed by this section and  
25 in accordance with standards of practice.

26 **3. Confidentiality.** When providing telehealth services, a person licensed under this  
27 chapter shall comply with all state and federal confidentiality and privacy laws.

28 **4. Professional responsibility.** All laws and rules governing professional  
29 responsibility, unprofessional conduct and generally accepted standards of practice that  
30 apply to a person licensed under this chapter also apply to that licensee while providing  
31 telehealth services.

32 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
33 licensed under this chapter. These rules must establish standards of practice and  
34 appropriate restrictions for the various types and forms of telehealth services. Rules  
35 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
36 375, subchapter 2-A.

37 **Sec. 6. 32 MRSA c. 34-A, sub-c. 6** is enacted to read:

38 **SUBCHAPTER 6**

39 **TELEHEALTH SERVICES**

40 **§2447. Definitions**

1       As used in this subchapter, unless the context otherwise indicates, the following terms  
2       have the following meanings.

3       **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
4       between a patient and a person licensed under this chapter through a system that has the  
5       ability to store digital information, including, but not limited to, still images, video files,  
6       audio files, text files and other relevant data, and to transmit such information without  
7       requiring the simultaneous presence of the patient and the person licensed under this  
8       chapter.

9       **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
10       of a patient's records through a secure electronic system to a person licensed under this  
11       chapter.

12       **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
13       conducted with an interactive audio or video connection between a patient and a person  
14       licensed under this chapter or between a person licensed under this chapter and another  
15       health care provider.

16       **4. Telehealth services.** "Telehealth services" means health care services delivered  
17       through the use of information technology and includes synchronous encounters,  
18       asynchronous encounters, store and forward transfers and telemonitoring.

19       **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
20       remotely monitor a patient's health status via electronic means, allowing the person licensed  
21       under this chapter to track the patient's health data over time. Telemonitoring may be  
22       synchronous or asynchronous.

23       **§2448. Telehealth services permitted**

24       A person licensed under this chapter may provide telehealth services as long as the  
25       licensee acts within the scope of practice of the licensee's license, in accordance with any  
26       requirements and restrictions imposed by this subchapter and in accordance with standards  
27       of practice.

28       **§2449. Confidentiality**

29       When providing telehealth services, a person licensed under this chapter shall comply  
30       with all state and federal confidentiality and privacy laws.

31       **§2450. Professional responsibility**

32       All laws and rules governing professional responsibility, unprofessional conduct and  
33       generally accepted standards of practice that apply to a person licensed under this chapter  
34       also apply to that licensee while providing telehealth services.

35       **§2450-A. Rulemaking**

36       The board shall adopt rules governing telehealth services by persons licensed under  
37       this chapter. These rules must establish standards of practice and appropriate restrictions  
38       for the various types and forms of telehealth services. Rules adopted pursuant to this section  
39       are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

40       **Sec. 7. 32 MRSA c. 36, sub-c. 8** is enacted to read:

41                                       **SUBCHAPTER 8**

1 TELEHEALTH SERVICES

2 **§2600-AA. Definitions**

3 As used in this subchapter, unless the context otherwise indicates, the following terms  
4 have the following meanings.

5 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
6 between a patient and a person licensed under this chapter through a system that has the  
7 ability to store digital information, including, but not limited to, still images, video files,  
8 audio files, text files and other relevant data, and to transmit such information without  
9 requiring the simultaneous presence of the patient and the person licensed under this  
10 chapter.

11 **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
12 of a patient's records through a secure electronic system to a person licensed under this  
13 chapter.

14 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
15 conducted with an interactive audio or video connection between a patient and a person  
16 licensed under this chapter or between a person licensed under this chapter and another  
17 health care provider.

18 **4. Telehealth services.** "Telehealth services" means health care services delivered  
19 through the use of information technology and includes synchronous encounters,  
20 asynchronous encounters, store and forward transfers and telemonitoring.

21 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
22 remotely monitor a patient's health status via electronic means, allowing the person licensed  
23 under this chapter to track the patient's health data over time. Telemonitoring may be  
24 synchronous or asynchronous.

25 **§2600-BB. Telehealth services permitted**

26 A person licensed under this chapter may provide telehealth services as long as the  
27 licensee acts within the scope of practice of the licensee's license, in accordance with any  
28 requirements and restrictions imposed by this subchapter and in accordance with standards  
29 of practice.

30 **§2600-CC. Confidentiality**

31 When providing telehealth services, a person licensed under this chapter shall comply  
32 with all state and federal confidentiality and privacy laws.

33 **§2600-DD. Professional responsibility**

34 All laws and rules governing professional responsibility, unprofessional conduct and  
35 generally accepted standards of practice that apply to a person licensed under this chapter  
36 also apply to that licensee while providing telehealth services.

37 **§2600-EE. Rulemaking**

38 The board shall adopt rules governing telehealth services by persons licensed under  
39 this chapter. These rules must establish standards of practice and appropriate restrictions  
40 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
41 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.



1           **Sec. 8. 32 MRSA §3120** is enacted to read:

2           **§3120. Telehealth services**

3           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
4 following terms have the following meanings.

5           A. "Asynchronous encounter" means an interaction between a patient and a person  
6 licensed under this chapter through a system that has the ability to store digital  
7 information, including, but not limited to, still images, video files, audio files, text files  
8 and other relevant data, and to transmit such information without requiring the  
9 simultaneous presence of the patient and the person licensed under this chapter.

10           B. "Store and forward transfer" means the transmission of a patient's records through  
11 a secure electronic system to a person licensed under this chapter.

12           C. "Synchronous encounter" means a real-time interaction conducted with an  
13 interactive audio or video connection between a patient and a person licensed under  
14 this chapter or between a person licensed under this chapter and another health care  
15 provider.

16           D. "Telehealth services" means health care services delivered through the use of  
17 information technology and includes synchronous encounters, asynchronous  
18 encounters, store and forward transfers and telemonitoring.

19           E. "Telemonitoring" means the use of information technology to remotely monitor a  
20 patient's health status via electronic means, allowing the person licensed under this  
21 chapter to track the patient's health data over time. Telemonitoring may be  
22 synchronous or asynchronous.

23           **2. Telehealth services permitted.** A person licensed under this chapter may provide  
24 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
25 license, in accordance with any requirements and restrictions imposed by this section and  
26 in accordance with standards of practice.

27           **3. Confidentiality.** When providing telehealth services, a person licensed under this  
28 chapter shall comply with all state and federal confidentiality and privacy laws.

29           **4. Professional responsibility.** All laws and rules governing professional  
30 responsibility, unprofessional conduct and generally accepted standards of practice that  
31 apply to a person licensed under this chapter also apply to that licensee while providing  
32 telehealth services.

33           **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
34 licensed under this chapter. These rules must establish standards of practice and  
35 appropriate restrictions for the various types and forms of telehealth services. Rules  
36 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
37 375, subchapter 2-A.

38           **Sec. 9. 32 MRSA c. 48, sub-c. 4** is enacted to read:

39   **SUBCHAPTER 4**

40   **TELEHEALTH SERVICES**

1           **§3300-AA. Definitions**

2           As used in this subchapter, unless the context otherwise indicates, the following terms  
3           have the following meanings.

4           **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
5           between a patient and a person licensed under this chapter through a system that has the  
6           ability to store digital information, including, but not limited to, still images, video files,  
7           audio files, text files and other relevant data, and to transmit such information without  
8           requiring the simultaneous presence of the patient and the person licensed under this  
9           chapter.

10          **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
11          of a patient's records through a secure electronic system to a person licensed under this  
12          chapter.

13          **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
14          conducted with an interactive audio or video connection between a patient and a person  
15          licensed under this chapter or between a person licensed under this chapter and another  
16          health care provider.

17          **4. Telehealth services.** "Telehealth services" means health care services delivered  
18          through the use of information technology and includes synchronous encounters,  
19          asynchronous encounters, store and forward transfers and telemonitoring.

20          **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
21          remotely monitor a patient's health status via electronic means, allowing the person licensed  
22          under this chapter to track the patient's health data over time. Telemonitoring may be  
23          synchronous or asynchronous.

24          **§3300-BB. Telehealth services permitted**

25          A person licensed under this chapter may provide telehealth services as long as the  
26          licensee acts within the scope of practice of the licensee's license, in accordance with any  
27          requirements and restrictions imposed by this subchapter and in accordance with standards  
28          of practice.

29          **§3300-CC. Confidentiality**

30          When providing telehealth services, a person licensed under this chapter shall comply  
31          with all state and federal confidentiality and privacy laws.

32          **§3300-DD. Professional responsibility**

33          All laws and rules governing professional responsibility, unprofessional conduct and  
34          generally accepted standards of practice that apply to a person licensed under this chapter  
35          also apply to that licensee while providing telehealth services.

36          **§3300-EE. Rulemaking**

37          The board shall adopt rules governing telehealth services by persons licensed under  
38          this chapter. These rules must establish standards of practice and appropriate restrictions  
39          for the various types and forms of telehealth services. Rules adopted pursuant to this section  
40          are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

41          **Sec. 10. 32 MRSA c. 51, sub-c. 4** is enacted to read:

1 **SUBCHAPTER 4**

2 **TELEHEALTH SERVICES**

3 **§3661. Definitions**

4 As used in this subchapter, unless the context otherwise indicates, the following terms  
5 have the following meanings.

6 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
7 between a patient and a person licensed under this chapter through a system that has the  
8 ability to store digital information, including, but not limited to, still images, video files,  
9 audio files, text files and other relevant data, and to transmit such information without  
10 requiring the simultaneous presence of the patient and the person licensed under this  
11 chapter.

12 **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
13 of a patient's records through a secure electronic system to a person licensed under this  
14 chapter.

15 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
16 conducted with an interactive audio or video connection between a patient and a person  
17 licensed under this chapter or between a person licensed under this chapter and another  
18 health care provider.

19 **4. Telehealth services.** "Telehealth services" means health care services delivered  
20 through the use of information technology and includes synchronous encounters,  
21 asynchronous encounters, store and forward transfers and telemonitoring.

22 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
23 remotely monitor a patient's health status via electronic means, allowing the person licensed  
24 under this chapter to track the patient's health data over time. Telemonitoring may be  
25 synchronous or asynchronous.

26 **§3662. Telehealth services permitted**

27 A person licensed under this chapter may provide telehealth services as long as the  
28 licensee acts within the scope of practice of the licensee's license, in accordance with any  
29 requirements and restrictions imposed by this subchapter and in accordance with standards  
30 of practice.

31 **§3663. Confidentiality**

32 When providing telehealth services, a person licensed under this chapter shall comply  
33 with all state and federal confidentiality and privacy laws.

34 **§3664. Professional responsibility**

35 All laws and rules governing professional responsibility, unprofessional conduct and  
36 generally accepted standards of practice that apply to a person licensed under this chapter  
37 also apply to that licensee while providing telehealth services.

38 **§3665. Rulemaking**

39 The board shall adopt rules governing telehealth services by persons licensed under  
40 this chapter. These rules must establish standards of practice and appropriate restrictions

1 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
2 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

3 **Sec. 11. 32 MRSA c. 56, sub-c. 4** is enacted to read:

4 **SUBCHAPTER 4**

5 **TELEHEALTH SERVICES**

6 **§3841. Definitions**

7 As used in this subchapter, unless the context otherwise indicates, the following terms  
8 have the following meanings.

9 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
10 between a patient and a person licensed under this chapter through a system that has the  
11 ability to store digital information, including, but not limited to, still images, video files,  
12 audio files, text files and other relevant data, and to transmit such information without  
13 requiring the simultaneous presence of the patient and the person licensed under this  
14 chapter.

15 **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
16 of a patient's records through a secure electronic system to a person licensed under this  
17 chapter.

18 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
19 conducted with an interactive audio or video connection between a patient and a person  
20 licensed under this chapter or between a person licensed under this chapter and another  
21 health care provider.

22 **4. Telehealth services.** "Telehealth services" means health care services delivered  
23 through the use of information technology and includes synchronous encounters,  
24 asynchronous encounters, store and forward transfers and telemonitoring.

25 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
26 remotely monitor a patient's health status via electronic means, allowing the person licensed  
27 under this chapter to track the patient's health data over time. Telemonitoring may be  
28 synchronous or asynchronous.

29 **§3842. Telehealth services permitted**

30 A person licensed under this chapter may provide telehealth services as long as the  
31 licensee acts within the scope of practice of the licensee's license, in accordance with any  
32 requirements and restrictions imposed by this subchapter and in accordance with standards  
33 of practice.

34 **§3843. Confidentiality**

35 When providing telehealth services, a person licensed under this chapter shall comply  
36 with all state and federal confidentiality and privacy laws.

37 **§3844. Professional responsibility**

1           All laws and rules governing professional responsibility, unprofessional conduct and  
2 generally accepted standards of practice that apply to a person licensed under this chapter  
3 also apply to that licensee while providing telehealth services.

4           **§3845. Rulemaking**

5           The board shall adopt rules governing telehealth services by persons licensed under  
6 this chapter. These rules must establish standards of practice and appropriate restrictions  
7 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
8 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

9           **Sec. 12. 32 MRSA §4879** is enacted to read:

10          **§4879. Telehealth services**

11          **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
12 following terms have the following meanings.

13          A. "Asynchronous encounter" means an interaction between a patient and a person  
14 licensed under this chapter through a system that has the ability to store digital  
15 information, including, but not limited to, still images, video files, audio files, text files  
16 and other relevant data, and to transmit such information without requiring the  
17 simultaneous presence of the patient and the person licensed under this chapter.

18          B. "Store and forward transfer" means the transmission of a patient's records through  
19 a secure electronic system to a person licensed under this chapter.

20          C. "Synchronous encounter" means a real-time interaction conducted with an  
21 interactive audio or video connection between a patient and a person licensed under  
22 this chapter or between a person licensed under this chapter and another health care  
23 provider.

24          D. "Telehealth services" means health care services delivered through the use of  
25 information technology and includes synchronous encounters, asynchronous  
26 encounters, store and forward transfers and telemonitoring.

27          E. "Telemonitoring" means the use of information technology to remotely monitor a  
28 patient's health status via electronic means, allowing the person licensed under this  
29 chapter to track the patient's health data over time. Telemonitoring may be  
30 synchronous or asynchronous.

31          **2. Telehealth services permitted.** A person licensed under this chapter may provide  
32 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
33 license, in accordance with any requirements and restrictions imposed by this section and  
34 in accordance with standards of practice.

35          **3. Confidentiality.** When providing telehealth services, a person licensed under this  
36 chapter shall comply with all state and federal confidentiality and privacy laws.

37          **4. Professional responsibility.** All laws and rules governing professional  
38 responsibility, unprofessional conduct and generally accepted standards of practice that  
39 apply to a person licensed under this chapter also apply to that licensee while providing  
40 telehealth services.

41          **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
42 licensed under this chapter. These rules must establish standards of practice and

1 appropriate restrictions for the various types and forms of telehealth services. Rules  
2 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
3 375, subchapter 2-A.

4 **Sec. 13. 32 MRSA c. 81, sub-c. 5** is enacted to read:

5 **SUBCHAPTER 5**

6 **TELEHEALTH SERVICES**

7 **§6231. Definitions**

8 As used in this subchapter, unless the context otherwise indicates, the following terms  
9 have the following meanings.

10 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
11 between a client and a person licensed under this chapter through a system that has the  
12 ability to store digital information, including, but not limited to, still images, video files,  
13 audio files, text files and other relevant data, and to transmit such information without  
14 requiring the simultaneous presence of the client and the person licensed under this chapter.

15 **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
16 of a client's records through a secure electronic system to a person licensed under this  
17 chapter.

18 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
19 conducted with an interactive audio or video connection between a client and a person  
20 licensed under this chapter or between a person licensed under this chapter and another  
21 health care provider.

22 **4. Telehealth services.** "Telehealth services" means health care services delivered  
23 through the use of information technology and includes synchronous encounters,  
24 asynchronous encounters, store and forward transfers and telemonitoring.

25 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
26 remotely monitor a client's health status via electronic means, allowing the person licensed  
27 under this chapter to track the client's health data over time. Telemonitoring may be  
28 synchronous or asynchronous.

29 **§6232. Telehealth services permitted**

30 A person licensed under this chapter may provide telehealth services as long as the  
31 licensee acts within the scope of practice of the licensee's license, in accordance with any  
32 requirements and restrictions imposed by this subchapter and in accordance with standards  
33 of practice.

34 **§6233. Confidentiality**

35 When providing telehealth services, a person licensed under this chapter shall comply  
36 with all state and federal confidentiality and privacy laws.

37 **§6234. Professional responsibility**

1 All laws and rules governing professional responsibility, unprofessional conduct and  
2 generally accepted standards of practice that apply to a person licensed under this chapter  
3 also apply to that licensee while providing telehealth services.

4 **§6235. Rulemaking**

5 The board shall adopt rules governing telehealth services by persons licensed under  
6 this chapter. These rules must establish standards of practice and appropriate restrictions  
7 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
8 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

9 **Sec. 14. 32 MRSA c. 83, sub-c. 4** is enacted to read:

10 **SUBCHAPTER 4**

11 **TELEHEALTH SERVICES**

12 **§7071. Definitions**

13 As used in this subchapter, unless the context otherwise indicates, the following terms  
14 have the following meanings.

15 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
16 between a client and a person licensed under this chapter through a system that has the  
17 ability to store digital information, including, but not limited to, still images, video files,  
18 audio files, text files and other relevant data, and to transmit such information without  
19 requiring the simultaneous presence of the client and the person licensed under this chapter.

20 **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
21 of a client's records through a secure electronic system to a person licensed under this  
22 chapter.

23 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
24 conducted with an interactive audio or video connection between a client and a person  
25 licensed under this chapter or between a person licensed under this chapter and another  
26 health care provider.

27 **4. Telehealth services.** "Telehealth services" means health care services delivered  
28 through the use of information technology and includes synchronous encounters,  
29 asynchronous encounters, store and forward transfers and telemonitoring.

30 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
31 remotely monitor a client's health status via electronic means, allowing the person licensed  
32 under this chapter to track the client's health data over time. Telemonitoring may be  
33 synchronous or asynchronous.

34 **§7072. Telehealth services permitted**

35 A person licensed under this chapter may provide telehealth services as long as the  
36 licensee acts within the scope of practice of the licensee's license, in accordance with any  
37 requirements and restrictions imposed by this subchapter and in accordance with standards  
38 of practice.

39 **§7073. Confidentiality**

1           When providing telehealth services, a person licensed under this chapter shall comply  
2 with all state and federal confidentiality and privacy laws.

3 **§7074. Professional responsibility**

4           All laws and rules governing professional responsibility, unprofessional conduct and  
5 generally accepted standards of practice that apply to a person licensed under this chapter  
6 also apply to that licensee while providing telehealth services.

7 **§7075. Rulemaking**

8           The board shall adopt rules governing telehealth services by persons licensed under  
9 this chapter. These rules must establish standards of practice and appropriate restrictions  
10 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
11 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

12           **Sec. 15. 32 MRSA §9714** is enacted to read:

13 **§9714. Telehealth services**

14           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
15 following terms have the following meanings.

16           A. "Asynchronous encounter" means an interaction between a patient and a person  
17 licensed under this chapter through a system that has the ability to store digital  
18 information, including, but not limited to, still images, video files, audio files, text files  
19 and other relevant data, and to transmit such information without requiring the  
20 simultaneous presence of the patient and the person licensed under this chapter.

21           B. "Store and forward transfer" means the transmission of a patient's records through  
22 a secure electronic system to a person licensed under this chapter.

23           C. "Synchronous encounter" means a real-time interaction conducted with an  
24 interactive audio or video connection between a patient and a person licensed under  
25 this chapter or between a person licensed under this chapter and another health care  
26 provider.

27           D. "Telehealth services" means health care services delivered through the use of  
28 information technology and includes synchronous encounters, asynchronous  
29 encounters, store and forward transfers and telemonitoring.

30           E. "Telemonitoring" means the use of information technology to remotely monitor a  
31 patient's health status via electronic means, allowing the person licensed under this  
32 chapter to track the patient's health data over time. Telemonitoring may be  
33 synchronous or asynchronous.

34           **2. Telehealth services permitted.** A person licensed under this chapter may provide  
35 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
36 license, in accordance with any requirements and restrictions imposed by this section and  
37 in accordance with standards of practice.

38           **3. Confidentiality.** When providing telehealth services, a person licensed under this  
39 chapter shall comply with all state and federal confidentiality and privacy laws.

40           **4. Professional responsibility.** All laws and rules governing professional  
41 responsibility, unprofessional conduct and generally accepted standards of practice that



1 apply to a person licensed under this chapter also apply to that licensee while providing  
2 telehealth services.

3 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
4 licensed under this chapter. These rules must establish standards of practice and  
5 appropriate restrictions for the various types and forms of telehealth services. Rules  
6 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
7 375, subchapter 2-A.

8 **Sec. 16. 32 MRSA §9863** is enacted to read:

9 **§9863. Telehealth services**

10 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
11 following terms have the following meanings.

12 A. "Asynchronous encounter" means an interaction between a patient and a person  
13 licensed under this chapter through a system that has the ability to store digital  
14 information, including, but not limited to, still images, video files, audio files, text files  
15 and other relevant data, and to transmit such information without requiring the  
16 simultaneous presence of the patient and the person licensed under this chapter.

17 B. "Store and forward transfer" means the transmission of a patient's records through  
18 a secure electronic system to a person licensed under this chapter.

19 C. "Synchronous encounter" means a real-time interaction conducted with an  
20 interactive audio or video connection between a patient and a person licensed under  
21 this chapter or between a person licensed under this chapter and another health care  
22 provider.

23 D. "Telehealth services" means health care services delivered through the use of  
24 information technology and includes synchronous encounters, asynchronous  
25 encounters, store and forward transfers and telemonitoring.

26 E. "Telemonitoring" means the use of information technology to remotely monitor a  
27 patient's health status via electronic means, allowing the person licensed under this  
28 chapter to track the patient's health data over time. Telemonitoring may be  
29 synchronous or asynchronous.

30 **2. Telehealth services permitted.** A person licensed under this chapter may provide  
31 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
32 license, in accordance with any requirements and restrictions imposed by this section and  
33 in accordance with standards of practice.

34 **3. Confidentiality.** When providing telehealth services, a person licensed under this  
35 chapter shall comply with all state and federal confidentiality and privacy laws.

36 **4. Professional responsibility.** All laws and rules governing professional  
37 responsibility, unprofessional conduct and generally accepted standards of practice that  
38 apply to a person licensed under this chapter also apply to that licensee while providing  
39 telehealth services.

40 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
41 licensed under this chapter. These rules must establish standards of practice and  
42 appropriate restrictions for the various types and forms of telehealth services. Rules

1 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
2 375, subchapter 2-A.

3 **Sec. 17. 32 MRSA §9916** is enacted to read:

4 **§9916. Telehealth services**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
6 following terms have the following meanings.

7 A. "Asynchronous encounter" means an interaction between an individual and a person  
8 licensed under this chapter through a system that has the ability to store digital  
9 information, including, but not limited to, still images, video files, audio files, text files  
10 and other relevant data, and to transmit such information without requiring the  
11 simultaneous presence of the individual and the person licensed under this chapter.

12 B. "Store and forward transfer" means the transmission of an individual's records  
13 through a secure electronic system to a person licensed under this chapter.

14 C. "Synchronous encounter" means a real-time interaction conducted with an  
15 interactive audio or video connection between an individual and a person licensed  
16 under this chapter or between a person licensed under this chapter and another health  
17 care provider.

18 D. "Telehealth services" means health care services delivered through the use of  
19 information technology and includes synchronous encounters, asynchronous  
20 encounters, store and forward transfers and telemonitoring.

21 E. "Telemonitoring" means the use of information technology to remotely monitor an  
22 individual's health status via electronic means, allowing the person licensed under this  
23 chapter to track the individual's health data over time. Telemonitoring may be  
24 synchronous or asynchronous.

25 **2. Telehealth services permitted.** A person licensed under this chapter may provide  
26 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
27 license, in accordance with any requirements and restrictions imposed by this section and  
28 in accordance with standards of practice.

29 **3. Confidentiality.** When providing telehealth services, a person licensed under this  
30 chapter shall comply with all state and federal confidentiality and privacy laws.

31 **4. Professional responsibility.** All laws and rules governing professional  
32 responsibility, unprofessional conduct and generally accepted standards of practice that  
33 apply to a person licensed under this chapter also apply to that licensee while providing  
34 telehealth services.

35 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
36 licensed under this chapter. These rules must establish standards of practice and  
37 appropriate restrictions for the various types and forms of telehealth services. Rules  
38 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
39 375, subchapter 2-A.

40 **Sec. 18. 32 MRSA c. 113-B, sub-c. 7** is enacted to read:

41 **SUBCHAPTER 7**

1 TELEHEALTH SERVICES

2 **§12611. Definitions**

3 As used in this subchapter, unless the context otherwise indicates, the following terms  
4 have the following meanings.

5 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
6 between a patient and a person licensed under this chapter through a system that has the  
7 ability to store digital information, including, but not limited to, still images, video files,  
8 audio files, text files and other relevant data, and to transmit such information without  
9 requiring the simultaneous presence of the patient and the person licensed under this  
10 chapter.

11 **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
12 of a patient's records through a secure electronic system to a person licensed under this  
13 chapter.

14 **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
15 conducted with an interactive audio or video connection between a patient and a person  
16 licensed under this chapter or between a person licensed under this chapter and another  
17 health care provider.

18 **4. Telehealth services.** "Telehealth services" means health care services delivered  
19 through the use of information technology and includes synchronous encounters,  
20 asynchronous encounters, store and forward transfers and telemonitoring.

21 **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
22 remotely monitor a patient's health status via electronic means, allowing the person licensed  
23 under this chapter to track the patient's health data over time. Telemonitoring may be  
24 synchronous or asynchronous.

25 **§12612. Telehealth services permitted**

26 A person licensed under this chapter may provide telehealth services as long as the  
27 licensee acts within the scope of practice of the licensee's license, in accordance with any  
28 requirements and restrictions imposed by this subchapter and in accordance with standards  
29 of practice.

30 **§12613. Confidentiality**

31 When providing telehealth services, a person licensed under this chapter shall comply  
32 with all state and federal confidentiality and privacy laws.

33 **§12614. Professional responsibility**

34 All laws and rules governing professional responsibility, unprofessional conduct and  
35 generally accepted standards of practice that apply to a person licensed under this chapter  
36 also apply to that licensee while providing telehealth services.

37 **§12615. Rulemaking**

38 The board shall adopt rules governing telehealth services by persons licensed under  
39 this chapter. These rules must establish standards of practice and appropriate restrictions  
40 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
41 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

1           **Sec. 19. 32 MRSA c. 117, sub-c. 15** is enacted to read:

2                                   **SUBCHAPTER 15**

3                                   **TELEHEALTH SERVICES**

4           **§13848. Definitions**

5           As used in this subchapter, unless the context otherwise indicates, the following terms  
6           have the following meanings.

7           **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
8           between a patient and a person licensed under this chapter through a system that has the  
9           ability to store digital information, including, but not limited to, still images, video files,  
10           audio files, text files and other relevant data, and to transmit such information without  
11           requiring the simultaneous presence of the patient and the person licensed under this  
12           chapter.

13           **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
14           of a patient's records through a secure electronic system to a person licensed under this  
15           chapter.

16           **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
17           conducted with an interactive audio or video connection between a patient and a person  
18           licensed under this chapter or between a person licensed under this chapter and another  
19           health care provider.

20           **4. Telehealth services.** "Telehealth services" means health care services delivered  
21           through the use of information technology and includes synchronous encounters,  
22           asynchronous encounters, store and forward transfers and telemonitoring.

23           **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
24           remotely monitor a patient's health status via electronic means, allowing the person licensed  
25           under this chapter to track the patient's health data over time. Telemonitoring may be  
26           synchronous or asynchronous.

27           **§13849. Telehealth services permitted**

28           A person licensed under this chapter may provide telehealth services as long as the  
29           licensee acts within the scope of practice of the licensee's license, in accordance with any  
30           requirements and restrictions imposed by this subchapter and in accordance with standards  
31           of practice.

32           **§13849-A. Confidentiality**

33           When providing telehealth services, a person licensed under this chapter shall comply  
34           with all state and federal confidentiality and privacy laws.

35           **§13849-B. Professional responsibility**

36           All laws and rules governing professional responsibility, unprofessional conduct and  
37           generally accepted standards of practice that apply to a person licensed under this chapter  
38           also apply to that licensee while providing telehealth services.

39           **§13849-C. Rulemaking**

1           The board shall adopt rules governing telehealth services by persons licensed under  
2 this chapter. These rules must establish standards of practice and appropriate restrictions  
3 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
4 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

5           **Sec. 20. 32 MRSA §13868** is enacted to read:

6           **§13868. Telehealth services**

7           **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
8 following terms have the following meanings.

9           A. "Asynchronous encounter" means an interaction between a client and a person  
10 licensed under this chapter through a system that has the ability to store digital  
11 information, including, but not limited to, still images, video files, audio files, text files  
12 and other relevant data, and to transmit such information without requiring the  
13 simultaneous presence of the client and the person licensed under this chapter.

14           B. "Store and forward transfer" means the transmission of a client's records through a  
15 secure electronic system to a person licensed under this chapter.

16           C. "Synchronous encounter" means a real-time interaction conducted with an  
17 interactive audio or video connection between a client and a person licensed under this  
18 chapter or between a person licensed under this chapter and another health care  
19 provider.

20           D. "Telehealth services" means health care services delivered through the use of  
21 information technology and includes synchronous encounters, asynchronous  
22 encounters, store and forward transfers and telemonitoring.

23           E. "Telemonitoring" means the use of information technology to remotely monitor a  
24 client's health status via electronic means, allowing the person licensed under this  
25 chapter to track the client's health data over time. Telemonitoring may be synchronous  
26 or asynchronous.

27           **2. Telehealth services permitted.** A person licensed under this chapter may provide  
28 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
29 license, in accordance with any requirements and restrictions imposed by this section and  
30 in accordance with standards of practice.

31           **3. Confidentiality.** When providing telehealth services, a person licensed under this  
32 chapter shall comply with all state and federal confidentiality and privacy laws.

33           **4. Professional responsibility.** All laws and rules governing professional  
34 responsibility, unprofessional conduct and generally accepted standards of practice that  
35 apply to a person licensed under this chapter also apply to that licensee while providing  
36 telehealth services.

37           **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons  
38 licensed under this chapter. These rules must establish standards of practice and  
39 appropriate restrictions for the various types and forms of telehealth services. Rules  
40 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
41 375, subchapter 2-A.

42           **Sec. 21. 32 MRSA §14363** is enacted to read:

1 **§14363. Telehealth services**

2 **1. Definitions.** As used in this section, unless the context otherwise indicates, the  
3 following terms have the following meanings.

4 A. "Asynchronous encounter" means an interaction between an individual and a person  
5 licensed under this chapter through a system that has the ability to store digital  
6 information, including, but not limited to, still images, video files, audio files, text files  
7 and other relevant data, and to transmit such information without requiring the  
8 simultaneous presence of the individual and the person licensed under this chapter.

9 B. "Store and forward transfer" means the transmission of individual's records through  
10 a secure electronic system to a person licensed under this chapter.

11 C. "Synchronous encounter" means a real-time interaction conducted with an  
12 interactive audio or video connection between an individual and a person licensed  
13 under this chapter or between a person licensed under this chapter and another health  
14 care provider.

15 D. "Telehealth services" means health care services delivered through the use of  
16 information technology and includes synchronous encounters, asynchronous  
17 encounters, store and forward transfers and telemonitoring.

18 E. "Telemonitoring" means the use of information technology to remotely monitor an  
19 individual's health status via electronic means, allowing the person licensed under this  
20 chapter to track the individual's health data over time. Telemonitoring may be  
21 synchronous or asynchronous.

22 **2. Telehealth services permitted.** A person licensed under this chapter may provide  
23 telehealth services as long as the licensee acts within the scope of practice of the licensee's  
24 license, in accordance with any requirements and restrictions imposed by this section and  
25 in accordance with standards of practice.

26 **3. Confidentiality.** When providing telehealth services, a person licensed under this  
27 chapter shall comply with all state and federal confidentiality and privacy laws.

28 **4. Professional responsibility.** All laws and rules governing professional  
29 responsibility, unprofessional conduct and generally accepted standards of practice that  
30 apply to a person licensed under this chapter also apply to that licensee while providing  
31 telehealth services.

32 **5. Rulemaking.** The commissioner shall adopt rules governing telehealth services by  
33 persons licensed under this chapter. These rules shall establish standards of practice and  
34 appropriate restrictions for the various types and forms of telehealth services. Rules  
35 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter  
36 375, subchapter 2-A.

37 **Sec. 22. 32 MRSA c. 137, sub-c. 4** is enacted to read:

38 **SUBCHAPTER 4**

39 **TELEHEALTH SERVICES**

40 **§17401. Definitions**

1           As used in this subchapter, unless the context otherwise indicates, the following terms  
2 have the following meanings.

3           **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction  
4 between a patient and a person licensed under this chapter through a system that has the  
5 ability to store digital information, including, but not limited to, still images, video files,  
6 audio files, text files and other relevant data, and to transmit such information without  
7 requiring the simultaneous presence of the patient and the person licensed under this  
8 chapter.

9           **2. Store and forward transfer.** "Store and forward transfer" means the transmission  
10 of a patient's records through a secure electronic system to a person licensed under this  
11 chapter.

12           **3. Synchronous encounter.** "Synchronous encounter" means a real-time interaction  
13 conducted with an interactive audio or video connection between a patient and a person  
14 licensed under this chapter or between a person licensed under this chapter and another  
15 health care provider.

16           **4. Telehealth services.** "Telehealth services" means health care services delivered  
17 through the use of information technology and includes synchronous encounters,  
18 asynchronous encounters, store and forward transfers and telemonitoring.

19           **5. Telemonitoring.** "Telemonitoring" means the use of information technology to  
20 remotely monitor a patient's health status via electronic means, allowing the person licensed  
21 under this chapter to track the patient's health data over time. Telemonitoring may be  
22 synchronous or asynchronous.

23 **§17402. Telehealth services permitted**

24           A person licensed under this chapter may provide telehealth services as long as the  
25 licensee acts within the scope of practice of the licensee's license, in accordance with any  
26 requirements and restrictions imposed by this subchapter and in accordance with standards  
27 of practice.

28 **§17403. Confidentiality**

29           When providing telehealth services, a person licensed under this chapter shall comply  
30 with all state and federal confidentiality and privacy laws.

31 **§17404. Professional responsibility**

32           All laws and rules governing professional responsibility, unprofessional conduct and  
33 generally accepted standards of practice that apply to a person licensed under this chapter  
34 also apply to that licensee while providing telehealth services.

35 **§17405. Rulemaking**

36           The board shall adopt rules governing telehealth services by persons licensed under  
37 this chapter. These rules must establish standards of practice and appropriate restrictions  
38 for the various types and forms of telehealth services. Rules adopted pursuant to this section  
39 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

**SUMMARY**

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This bill permits health care providers licensed under the Department of Professional and Financial Regulation to provide telehealth services as long as the licensee acts within the scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by law and in accordance with standards of practice. The bill defines "telehealth services" and authorizes licensing entities to adopt rules to establish standards of practice and restrictions for telehealth services.