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HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 50, L.D. 791, “An Act Regarding Telehealth Regulations”

Amend the bill by striking out everything after the enacting clause and inserting the following:

PART A

Sec. A-1. 22 MRSA §3173-H, sub-§1, ¶D, as amended by PL 2019, c. 649, §1, is further amended to read:

D. "Telehealth," as it pertains to the delivery of MaineCare services, means the use of ~~interactive visual and audio or other electronic media for the purpose of consultation and education concerning and diagnosis, treatment, care management and self-management of a patient's physical and mental health~~ information technology and includes real-time interaction between the patient and the patient's provider, electronic consultation between health professionals regarding the patient, synchronous encounters, asynchronous encounters, store and forward transfers and ~~remote patient monitoring.~~ "Telehealth" includes telephonic services when interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the ~~underlying covered service~~ telemonitoring.

Sec. A-2. 22 MRSA §3173-H, sub-§1, ¶E, as amended by PL 2019, c. 649, §1, is further amended to read:

E. "Telemonitoring," as it pertains to the delivery of MaineCare services, means the use of information technology to remotely monitor a patient's health status via electronic means ~~through the use of clinical data while the patient remains in a residential setting~~, allowing the provider to track the patient's health data over time. Telemonitoring may ~~or may not take place in real time~~ be synchronous or asynchronous.

Sec. A-3. 22 MRSA §3173-H, sub-§6 is enacted to read:

COMMITTEE AMENDMENT

1 6. Consent for telehealth and telemonitoring services. A patient may provide
2 verbal, electronic or written consent for telehealth and telemonitoring services under this
3 section.

4 **Sec. A-4. 24-A MRSA §4316, sub-§1**, as amended by PL 2019, c. 649, §3, is
5 further amended to read:

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

8 A. "Mobile health device" means a wearable device used to track health and wellness,
9 including, but not limited to, a heart rate and respiratory monitor, an electrocardiogram
10 monitor and a glucose monitor.

11 A-1. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the
12 Social Security Amendments of 1965, as amended.

13 B. "Store and forward transfers" means transmission of an enrollee's recorded health
14 history through a secure electronic system to a provider.

15 B-1. "Asynchronous encounters" means the interaction or consultation between an
16 enrollee and the enrollee's provider or between providers regarding the enrollee
17 through a system with the ability to store digital information, including, but not limited
18 to, still images, video, audio and text files, and other relevant data in one location and
19 subsequently transmit such information for interpretation at a remote site by health
20 professionals without requiring the simultaneous presence of the patient or the health
21 professionals.

22 B-2. "Synchronous encounters" means a real-time interaction conducted with
23 interactive audio or video connection between an enrollee and the enrollee's provider
24 or between providers regarding the enrollee.

25 C. "Telehealth," as it pertains to the delivery of health care services, means the use of
26 ~~interactive real-time visual and audio or other electronic media for the purpose of~~
27 ~~consultation and education concerning and diagnosis, treatment, care management and~~
28 ~~self-management of an enrollee's physical and mental health~~ information technology
29 ~~and includes real-time interaction between the enrollee and the telehealth provider,~~
30 synchronous encounters, asynchronous encounters, store and forward transfers and
31 telemonitoring. "Telehealth" ~~does not include the use of audio-only telephone,~~
32 ~~facsimile machine, e-mail or texting.~~

33 D. "Telemonitoring," as it pertains to the delivery of health care services, means the
34 use of information technology to remotely monitor an enrollee's health status via
35 electronic means ~~through the use of clinical data while the enrollee remains in a~~
36 ~~residential setting,~~ allowing the provider to track the enrollee's health data over time.
37 Telemonitoring may ~~or may not take place in real time~~ be synchronous or
38 asynchronous.

39 E. ~~"Telephonic services," as it pertains to the delivery of health care services, means~~
40 ~~the use of telephone communication by a provider at a distance for the purpose of~~
41 ~~diagnosis, disease monitoring or treatment.~~

42 **Sec. A-5. 24-A MRSA §4316, sub-§2**, as corrected by RR 2019, c. 2, Pt. A, §28,
43 is amended to read:

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

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

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

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

15 **§567. Telehealth services permitted**

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

20 **§568. Confidentiality**

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

23 **§569. Professional responsibility**

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

27 **§570. Rulemaking**

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

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

33 **§1533. Telehealth services**

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

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

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

3 C. "Synchronous encounter" means a real-time interaction conducted with an
4 interactive audio or video connection between an individual and a person licensed
5 under this chapter or between a person licensed under this chapter and another health
6 care provider.

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

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

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

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

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

24 **5. Rulemaking.** The director shall adopt rules governing telehealth services by
25 persons licensed under this chapter. These rules must establish standards of practice and
26 appropriate restrictions for the various types and forms of telehealth services. Rules
27 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
28 375, subchapter 2-A.

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

30 **SUBCHAPTER 7**

31 **TELEHEALTH SERVICES**

32 **§2266. Definitions**

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

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

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

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

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

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

15 **§2267. Telehealth services permitted**

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

20 **§2268. Confidentiality**

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

23 **§2269. Professional responsibility**

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

27 **§2270. Rulemaking**

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

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

33 **§2287. Telehealth services**

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

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

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

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

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

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

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

21 **§2600-BB. Telehealth services permitted**

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

26 **§2600-CC. Confidentiality**

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

29 **§2600-DD. Professional responsibility**

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

33 **§2600-EE. Rulemaking**

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

38 **Sec. B-8. 32 MRSA §3120** is enacted to read:

39 **§3120. Telehealth services**

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

1 **§3661. 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 **§3662. 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 **§3663. 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 **§3664. 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 **§3665. 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. B-11. 32 MRSA c. 56, sub-c. 4** is enacted to read:

1 **SUBCHAPTER 4**

2 **TELEHEALTH SERVICES**

3 **§3841. 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 **§3842. 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 **§3843. 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 **§3844. 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 **§3845. 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. B-12. 32 MRSA §4879** is enacted to read:

4 **§4879. 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 a patient 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 patient and the person licensed under this chapter.

12 B. "Store and forward transfer" means the transmission of a patient's records through
13 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 a patient and a person licensed under
16 this chapter or between a person licensed under this chapter and another health care
17 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 a
22 patient's health status via electronic means, allowing the person licensed under this
23 chapter to track the patient'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. B-13. 32 MRSA c. 81, sub-c. 5** is enacted to read:

41 **SUBCHAPTER 5**

1 **TELEHEALTH SERVICES**

2 **§6231. 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 client 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 client and the person licensed under this chapter.

10 **2. Store and forward transfer.** "Store and forward transfer" means the transmission
11 of a client'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 client 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 client's health status via electronic means, allowing the person licensed
22 under this chapter to track the client's health data over time. Telemonitoring may be
23 synchronous or asynchronous.

24 **§6232. 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 **§6233. 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 **§6234. 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 **§6235. 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.

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. B-15. 32 MRSA §9714** is enacted to read:

6 **§9714. 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 patient 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 patient and the person licensed under this chapter.

14 B. "Store and forward transfer" means the transmission of a patient's records through
15 a 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 patient and a person licensed under
18 this 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 patient's health status via electronic means, allowing the person licensed under this
25 chapter to track the patient's health data over time. Telemonitoring may be
26 synchronous 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. B-16. 32 MRSA §9863** is enacted to read:

1 **§9863. 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. B-17. 32 MRSA §9916** is enacted to read:

38 **§9916. Telehealth services**

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

41 A. "Asynchronous encounter" means an interaction between an individual and a person
42 licensed under this chapter through a system that has the ability to store digital

1 information, including, but not limited to, still images, video files, audio files, text files
2 and other relevant data, and to transmit such information without requiring the
3 simultaneous presence of the individual and the person licensed under this chapter.

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

6 C. "Synchronous encounter" means a real-time interaction conducted with an
7 interactive audio or video connection between an individual and a person licensed
8 under this chapter or between a person licensed under this chapter and another health
9 care provider.

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

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

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

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

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

27 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
28 licensed under this chapter. These rules must establish standards of practice and
29 appropriate restrictions for the various types and forms of telehealth services. Rules
30 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
31 375, subchapter 2-A.

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

33 **SUBCHAPTER 7**

34 **TELEHEALTH SERVICES**

35 **§12611. Definitions**

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

38 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction
39 between a patient and a person licensed under this chapter through a system that has the
40 ability to store digital information, including, but not limited to, still images, video files,

1 audio files, text files and other relevant data, and to transmit such information without
2 requiring the simultaneous presence of the patient and the person licensed under this
3 chapter.

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

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

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

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

18 **§12612. Telehealth services permitted**

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

23 **§12613. Confidentiality**

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

26 **§12614. Professional responsibility**

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

30 **§12615. Rulemaking**

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

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

36 **SUBCHAPTER 15**

37 **TELEHEALTH SERVICES**

38 **§13848. 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 **§13849. 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 **§13849-A. 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 **§13849-B. 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 **§13849-C. 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. B-20. 32 MRSA §13868** is enacted to read:

41 **§13868. Telehealth services**

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

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

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

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

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

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

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

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

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

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

36 **Sec. B-21. 32 MRSA §14363** is enacted to read:

37 **§14363. Telehealth services**

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

40 A. "Asynchronous encounter" means an interaction between an individual and a person
41 licensed under this chapter through a system that has the ability to store digital
42 information, including, but not limited to, still images, video files, audio files, text files

1 and other relevant data, and to transmit such information without requiring the
2 simultaneous presence of the individual and the person licensed under this chapter.

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

5 C. "Synchronous encounter" means a real-time interaction conducted with an
6 interactive audio or video connection between an individual and a person licensed
7 under this chapter or between a person licensed under this chapter and another health
8 care provider.

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

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

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

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

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

26 **5. Rulemaking.** The commissioner shall adopt rules governing telehealth services by
27 persons licensed under this chapter. These rules shall establish standards of practice and
28 appropriate restrictions for the various types and forms of telehealth services. Rules
29 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
30 375, subchapter 2-A.

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

32 **SUBCHAPTER 4**

33 **TELEHEALTH SERVICES**

34 **§17401. Definitions**

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

37 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction
38 between a patient and a person licensed under this chapter through a system that has the
39 ability to store digital information, including, but not limited to, still images, video files,
40 audio files, text files and other relevant data, and to transmit such information without

1 requiring the simultaneous presence of the patient and the person licensed under this
2 chapter.

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

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

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

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

17 **§17402. Telehealth services permitted**

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

22 **§17403. Confidentiality**

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

25 **§17404. Professional responsibility**

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

29 **§17405. Rulemaking**

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

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
35 number to read consecutively.

36 **SUMMARY**

37 This amendment, which is the majority report of the committee, replaces the bill, which
38 is a concept draft.

39 Part A does the following.

