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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~~ telemonitoring. "Telehealth" includes telephonic services when ~~interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the underlying covered service~~ the patient has an established relationship with a provider, including at least one in-person visit within the previous 18 months, and the provider has notified the patient in advance that the telephonic service is a billable service.

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.

COMMITTEE AMENDMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 **2. Telehealth services permitted.** A person licensed under this chapter may provide
20 telehealth services as long as the licensee acts within the scope of practice of the licensee's
21 license, in accordance with any requirements and restrictions imposed by this section and
22 in accordance with standards of practice. Telehealth services include the use of audio-only
23 telephone only if a person licensed under this chapter has an established relationship with
24 the patient, including at least one in-person visit within the previous 18 months, and the
25 licensee has notified the patient in advance that the service is a billable service.

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

38 **SUBCHAPTER 6**

39 **TELEHEALTH SERVICES**

40 **§566. 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 **§567. 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. Telehealth services include the use of audio-only telephone only if a person
28 licensed under this chapter has an established relationship with the patient, including at
29 least one in-person visit within the previous 18 months, and the licensee has notified the
30 patient in advance that the service is a billable service.

31 **§568. 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 **§569. 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 **§570. 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
41 for the various types and forms of telehealth services. Rules adopted pursuant to this section
42 are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

1 **Sec. B-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. Telehealth services include the use of audio-only
27 telephone only if a person licensed under this chapter has an established relationship with
28 the patient, including at least one in-person visit within the previous 18 months, and the
29 licensee has notified the patient in advance that the service is a billable service.

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

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

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

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

1 **SUBCHAPTER 7**

2 **TELEHEALTH SERVICES**

3 **§2266. 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 **§2267. 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. Telehealth services include the use of audio-only telephone only if a person
31 licensed under this chapter has an established relationship with the patient, including at
32 least one in-person visit within the previous 18 months, and the licensee has notified the
33 patient in advance that the service is a billable service.

34 **§2268. 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 **§2269. Professional responsibility**

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

1 **§2270. Rulemaking**

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

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

7 **§2287. Telehealth services**

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

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

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

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

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

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

28 **2. Telehealth services permitted.** A person licensed under this chapter may provide
29 telehealth services as long as the licensee acts within the scope of practice of the licensee's
30 license, in accordance with any requirements and restrictions imposed by this section and
31 in accordance with standards of practice. Telehealth services include the use of audio-only
32 telephone only if a person licensed under this chapter has an established relationship with
33 the patient, including at least one in-person visit within the previous 18 months, and the
34 licensee has notified the patient in advance that the service is a billable service.

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

5 **SUBCHAPTER 6**

6 **TELEHEALTH SERVICES**

7 **§2447. 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 patient 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 patient and the person licensed under this
15 chapter.

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

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

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

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

30 **§2448. Telehealth services permitted**

31 A person licensed under this chapter may provide telehealth services as long as the
32 licensee acts within the scope of practice of the licensee's license, in accordance with any
33 requirements and restrictions imposed by this subchapter and in accordance with standards
34 of practice. Telehealth services include the use of audio-only telephone only if a person
35 licensed under this chapter has an established relationship with the patient, including at
36 least one in-person visit within the previous 18 months, and the licensee has notified the
37 patient in advance that the service is a billable service.

38 **§2449. Confidentiality**

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

1 **§2450. Professional responsibility**

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

5 **§2450-A. Rulemaking**

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

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

11 **SUBCHAPTER 8**

12 **TELEHEALTH SERVICES**

13 **§2600-AA. Definitions**

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

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

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

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

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

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

36 **§2600-BB. Telehealth services permitted**

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

1 of practice. Telehealth services include the use of audio-only telephone only if a person
2 licensed under this chapter has an established relationship with the patient, including at
3 least one in-person visit within the previous 18 months, and the licensee has notified the
4 patient in advance that the service is a billable service.

5 **§2600-CC. Confidentiality**

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

8 **§2600-DD. Professional responsibility**

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

12 **§2600-EE. Rulemaking**

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

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

18 **§3120. Telehealth services**

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

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

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

28 C. "Synchronous encounter" means a real-time interaction conducted with an
29 interactive audio or video connection between a patient and a person licensed under
30 this chapter or between a person licensed under this chapter and another health care
31 provider.

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

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

39 **2. Telehealth services permitted.** A person licensed under this chapter may provide
40 telehealth services as long as the licensee acts within the scope of practice of the licensee's
41 license, in accordance with any requirements and restrictions imposed by this section and
42 in accordance with standards of practice. Telehealth services include the use of audio-only

1 telephone only if a person licensed under this chapter has an established relationship with
2 the patient, including at least one in-person visit within the previous 18 months, and the
3 licensee has notified the patient in advance that the service is a billable service.

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

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

10 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
11 licensed under this chapter. These rules must establish standards of practice and
12 appropriate restrictions for the various types and forms of telehealth services. Rules
13 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
14 375, subchapter 2-A.

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

16 **SUBCHAPTER 4**

17 **TELEHEALTH SERVICES**

18 **§3300-AA. Definitions**

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

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

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

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

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

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

1 **§3300-BB. Telehealth services permitted**

2 A person licensed under this chapter may provide telehealth services as long as the
3 licensee acts within the scope of practice of the licensee's license, in accordance with any
4 requirements and restrictions imposed by this subchapter and in accordance with standards
5 of practice. Telehealth services include the use of audio-only telephone only if a person
6 licensed under this chapter has an established relationship with the patient, including at
7 least one in-person visit within the previous 18 months, and the licensee has notified the
8 patient in advance that the service is a billable service.

9 **§3300-CC. Confidentiality**

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

12 **§3300-DD. Professional responsibility**

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

16 **§3300-EE. Rulemaking**

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

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

22 **SUBCHAPTER 4**

23 **TELEHEALTH SERVICES**

24 **§3661. Definitions**

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

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

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

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

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 **§3842. 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. Telehealth services include the use of audio-only telephone only if a person
20 licensed under this chapter has an established relationship with the patient, including at
21 least one in-person visit within the previous 18 months, and the licensee has notified the
22 patient in advance that the service is a billable service.

23 **§3843. 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 **§3844. 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 **§3845. 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-12. 32 MRSA §4879** is enacted to read:

36 **§4879. Telehealth services**

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

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

3 B. "Store and forward transfer" means the transmission of a patient'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 a patient and a person licensed under
7 this chapter or between a person licensed under this chapter and another health care
8 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 a
13 patient's health status via electronic means, allowing the person licensed under this
14 chapter to track the patient'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. Telehealth services include the use of audio-only
20 telephone only if a person licensed under this chapter has an established relationship with
21 the patient, including at least one in-person visit within the previous 18 months, and the
22 licensee has notified the patient in advance that the service is a billable service.

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

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

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

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

35 **SUBCHAPTER 5**

36 **TELEHEALTH SERVICES**

37 **§6231. Definitions**

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

1 **1. Asynchronous encounter.** "Asynchronous encounter" means an interaction
2 between a client 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 client and the person licensed under this chapter.

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

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

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

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

20 **§6232. Telehealth services permitted**

21 A person licensed under this chapter may provide telehealth services as long as the
22 licensee acts within the scope of practice of the licensee's license, in accordance with any
23 requirements and restrictions imposed by this subchapter and in accordance with standards
24 of practice. Telehealth services include the use of audio-only telephone only if a person
25 licensed under this chapter has an established relationship with the patient, including at
26 least one in-person visit within the previous 18 months, and the licensee has notified the
27 patient in advance that the service is a billable service.

28 **§6233. 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 **§6234. 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 **§6235. 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-14. 32 MRSA c. 83, sub-c. 4** is enacted to read:

41 **SUBCHAPTER 4**

1 **TELEHEALTH SERVICES**

2 **§7071. 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 **§7072. 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. Telehealth services include the use of audio-only telephone only if a person
29 licensed under this chapter has an established relationship with the patient, including at
30 least one in-person visit within the previous 18 months, and the licensee has notified the
31 patient in advance that the service is a billable service.

32 **§7073. 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 **§7074. 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 **§7075. Rulemaking**

40 The board shall adopt rules governing telehealth services by persons licensed under
41 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-15. 32 MRSA §9714** is enacted to read:

4 **§9714. 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. Telehealth services include the use of audio-only
29 telephone only if a person licensed under this chapter has an established relationship with
30 the patient, including at least one in-person visit within the previous 18 months, and the
31 licensee has notified the patient in advance that the service is a billable service.

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

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

38 **5. Rulemaking.** The board shall adopt rules governing telehealth services by persons
39 licensed under this chapter. These rules must establish standards of practice and
40 appropriate restrictions for the various types and forms of telehealth services. Rules
41 adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter
42 375, subchapter 2-A.

1 **Sec. B-16. 32 MRSA §9863** is enacted to read:

2 **§9863. 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. Telehealth services include the use of audio-only
27 telephone only if a person licensed under this chapter has an established relationship with
28 the patient, including at least one in-person visit within the previous 18 months, and the
29 licensee has notified the patient in advance that the service is a billable service.

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

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

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

41 **Sec. B-17. 32 MRSA §9916** is enacted to read:

42 **§9916. Telehealth services**

1 **§12611. 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 **§12612. 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. Telehealth services include the use of audio-only telephone only if a person
29 licensed under this chapter has an established relationship with the patient, including at
30 least one in-person visit within the previous 18 months, and the licensee has notified the
31 patient in advance that the service is a billable service.

32 **§12613. 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 **§12614. 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 **§12615. Rulemaking**

40 The board shall adopt rules governing telehealth services by persons licensed under
41 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-19. 32 MRSA c. 117, sub-c. 15** is enacted to read:

4 **SUBCHAPTER 15**

5 **TELEHEALTH SERVICES**

6 **§13848. 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 **§13849. 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. Telehealth services include the use of audio-only telephone only if a person
34 licensed under this chapter has an established relationship with the patient, including at
35 least one in-person visit within the previous 18 months, and the licensee has notified the
36 patient in advance that the service is a billable service.

37 **§13849-A. Confidentiality**

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

1 **§13849-B. Professional responsibility**

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

5 **§13849-C. Rulemaking**

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

10 **Sec. B-20. 32 MRSA §13868** is enacted to read:

11 **§13868. Telehealth services**

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

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

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

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

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

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

32 **2. Telehealth services permitted.** A person licensed under this chapter may provide
33 telehealth services as long as the licensee acts within the scope of practice of the licensee's
34 license, in accordance with any requirements and restrictions imposed by this section and
35 in accordance with standards of practice. Telehealth services include the use of audio-only
36 telephone only if a person licensed under this chapter has an established relationship with
37 the patient, including at least one in-person visit within the previous 18 months, and the
38 licensee has notified the patient in advance that the service is a billable service.

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

41 **4. Professional responsibility.** All laws and rules governing professional
42 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. B-21. 32 MRSA §14363** is enacted to read:

9 **§14363. 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 an individual 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 individual and the person licensed under this chapter.

17 B. "Store and forward transfer" means the transmission of individual'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 an individual and a person licensed
21 under this chapter or between a person licensed under this chapter and another health
22 care 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 an
27 individual's health status via electronic means, allowing the person licensed under this
28 chapter to track the individual'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. Telehealth services include the use of audio-only
34 telephone only if a person licensed under this chapter has an established relationship with
35 the patient, including at least one in-person visit within the previous 18 months, and the
36 licensee has notified the patient in advance that the service is a billable service.

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

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

