

Title 10
MARYLAND DEPARTMENT OF HEALTH
Subtitle 46 BOARD OF OCCUPATIONAL THERAPY PRACTICE
10.46.08 Telehealth

Authority: Health Occupations Article, §§1-1001—1-1006, Annotated Code of Maryland

.01 Scope.

- A. This chapter governs the practice of occupational therapy or limited occupational therapy using telehealth as an adjunct to, or replacement for, in-person patient visits.
- B. Nothing in this chapter restricts or limits reimbursement requirements pursuant to Health-General Article and Insurance Article, Annotated Code of Maryland.

.02 Definitions.

- C. In this chapter, the following terms have the meanings indicated.
- D. Terms Defined.
 - (1) “Asynchronous” means not occurring in real time.
 - (2) “Board” means the Maryland Board of Occupational Therapy Practice.
 - (3) “In-person” means within the physical presence of the patient.
 - (4) “Synchronous” means occurring in real time.
 - (5) “Telehealth” has the meaning stated in Health Occupations Article, §1-1001, Annotated Code of Maryland.
 - (6) “Telehealth practitioner” means:
 - (a) A Maryland licensed occupational therapist or limited occupational therapist performing telehealth services within their respective scope of practice; or
 - (b) An occupational therapist or limited occupational therapist with a compact privilege in Maryland performing telehealth services within their respective scope of practice.

.03 Licensure.

Subject to the provisions of Health Occupations Article, §10-301, Annotated Code of Maryland, a telehealth practitioner shall be licensed in Maryland or hold a compact privilege when providing telehealth services to a patient located in the State.

.04 Standards of Practice for Telehealth.

- E. Before providing telehealth services, a telehealth practitioner shall develop and follow a procedure to:
 - (1) Verify the identification of the patient receiving telehealth services through use of:
 - (a) A government-issued photograph identification;

- (b) An insurance, Medicaid, or Medicare card; or
- (c) Documentation of the patient's:
 - (i) Date of birth; and
 - (ii) Home address;
- (2) For an initial patient-telehealth practitioner encounter, disclose the telehealth practitioner's:
 - (a) Name;
 - (b) Maryland license number and type or compact privilege number, if applicable; and
 - (c) Contact information;
- (3) Obtain oral or written consent from a patient or patient's parent or guardian if State law requires the consent of a parent or guardian, including informing patients of the risks, benefits, and side effects of the recommended treatment plan;
- (4) Securely collect and transmit a patient's medical health information, clinical data, clinical images, laboratory results, and self-reported medical health and clinical history, as necessary, and prevent access to data by unauthorized persons through encryption or other means;
- (5) Notify patients in the event of a data breach;
- (6) Ensure that the telehealth practitioner provides a secure and private communication modality that complies with federal and state privacy laws; and
- (7) Establish safety protocols to be used in the case of an emergency, including contact information for emergency services at the patient's location.

F. Except when providing asynchronous telehealth services, a telehealth practitioner shall:

- (1) Obtain or confirm an alternative method of contacting the patient in case of a technological failure;
 - (2) Confirm whether the patient is in Maryland and identify the specific practice setting in which the patient is located;
- and
- (3) Identify all individuals present at each location and confirm they are allowed to hear the patient's health information.

G. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable for in-person occupational therapy practice appointments.

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