

## **Title 10 – Department of Health and Mental Hygiene**

### **Subtitle 41**

### **Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists**

#### **Chapter 06 Telehealth Communication**

##### **.01 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists.

(2) "Consultant" means any professional who collaborates with a provider of telehealth services to provide services to patients.

(3) "Patient" means a consumer of telehealth services.

(4) "Provider" means an audiologist, hearing aid dispenser, or speech-language pathologist who provides telehealth services.

(5) "Service delivery model" means the method of providing telehealth services.

(6) "Site" means the patient location for providing telehealth services.

(7) "Stored clinical data" means video clips, sound/audio files, photo images, electronic records, and written records that may be available for transmission via telehealth communications.

(8) "Telehealth" means the use of telecommunications and information technologies for the exchange of information from one site to another for the provision of audiology, hearing aid dispensing, or speech-language pathology services to an individual from a provider through hardware or internet connection.

(9) "Telepractice" means the practice of telehealth.

##### **.02 Service Delivery Models.**

A. Telehealth may be delivered in a variety of ways including those listed in §§B—E of this regulation.

B. Store-and-forward model/electronic transmission is an asynchronous electronic transmission of stored clinical data from one location to another usually by the internet via email and fax.

C. Clinician interactive model is a synchronous, real time interaction between the provider and patient or consultant that may occur via audio and video transmission over telecommunication links such as telephone, internet, fax, or other methods for distance communication, including:

(1) Videoconferencing;

(2) Remote control software applications;

(3) Computer applications;

(4) Fax transmittal and receipt;

(5) Email correspondence including attachments; or

(6) Video and audio transmission through regular mail service delivery and express delivery services.

D. Self-monitoring/testing model refers to when the patient or consultant receiving the services provides data to the provider without a facilitator present at the site of the patient or consultant.

E. Live versus stored data refers to the actual data transmitted during the telepractice. Both live, real-time and stored clinical data may be included during the telepractice.

### **.03 Guidelines for the Use of Telehealth.**

A. A provider shall be accountable for any ethical and scope of practice requirements when providing telehealth services.

B. The scope, nature, and quality of services provided via telepractice are the same as that provided during in-person sessions by the provider.

C. The quality of electronic transmissions shall be appropriate for the provision of telehealth services as if those services were provided in person.

D. A provider shall only utilize technology with which they are competent to use as part of their telepractice services.

E. Equipment used for telehealth services shall be maintained in appropriate operational status to provide appropriate quality of services.

F. Equipment used at the site at which the patient or consultant is present shall be in appropriate working condition and deemed appropriate by the provider.

G. A provider shall be aware of the patient or consultant level of comfort with the technology being used as part of the telehealth services and adjust their practice to maximize the patient or consultant level of comfort.

H. When a provider collaborates with a consultant from another state in which the telepractice services are eventually delivered, the consultant in the state in which the patient lives shall be the primary care provider for the patient.

I. As pertaining to liability and malpractice issues, a provider shall be held to the same standards of practice as if the telepractice services were provided in person.

#### **.04 Limitations of Telehealth Services.**

A. A provider of telehealth services shall inform the patient and consultants as to the limitations of providing these services, including the following:

(1) The inability to have direct, physical contact with the patient is a primary difference between telehealth and direct in-person service delivery;

(2) The knowledge, experiences, and qualifications of the consultant providing data and information to the provider of the telehealth services need not be completely known to and understood by the provider;

(3) The quality of transmitted data may affect the quality of services provided by the provider; and

(4) That changes in the environment and test conditions could be impossible to make during delivery of telehealth services.

B. Telehealth services may not be provided by correspondence only.

#### **.05 Requirements of Personnel Providing Telehealth Services.**

A. A provider of telehealth services who practices in the State shall be licensed by the Board.

B. A provider of telehealth services shall be competent in both the type of services provided and the methodology and equipment used to provide the service.

C. A provider of telehealth services who resides out of State and who provides services to Maryland residents shall be licensed by the Board.