

Final Action on Regulations

Symbol Key

- Roman type indicates text already existing at the time of the proposed action.
- *Italic type* indicates new text added at the time of proposed action.
- Single underline, italic indicates new text added at the time of final action.
- Single underline, roman indicates existing text added at the time of final action.
- ~~[[Double brackets]]~~ indicate text deleted at the time of final action.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 18 BOATING—SPEED LIMITS AND OPERATION OF VESSELS

08.18.07 Chesapeake Bay

Authority: Natural Resources Article, §§8-703 and 8-704, Annotated Code of Maryland

Notice of Final Action

[23-123-F]

On August 29, 2023, the Secretary of Natural Resources adopted amendments to Regulation .02 under **COMAR 08.18.07 Chesapeake Bay**. This action, which was proposed for adoption in 50:14 Md. R. 596 (July 14, 2023), has been adopted as proposed.

Effective Date: September 18, 2023.

JOSH KURTZ
Secretary of Natural Resources

Title 10 MARYLAND DEPARTMENT OF HEALTH

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.36 General Medical Assistance Provider Participation Criteria

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Final Action

[23-079-F]

On August 24, 2023, the Secretary of Health adopted amendments to Regulations .01—.03, .07, and .09—.11 under **COMAR 10.09.36 General Medical Assistance Provider Participation Criteria**. This action, which was proposed for adoption in 50:13 Md. R. 524—526 (June 30, 2023), has been adopted as proposed.

Effective Date: September 18, 2023.

LAURA HERRERA SCOTT
Secretary of Health

Subtitle 28 BOARD OF EXAMINERS IN OPTOMETRY

10.28.01 Telehealth

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

Notice of Final Action

[22-205-F]

On August 24, 2023, the Secretary of Health adopted new Regulations .01—.06 under a new chapter, **COMAR 10.28.01 Telehealth**. This action, which was proposed for adoption in 49:26 Md. R. 1084—1085 (December 16, 2022), has been adopted with the nonsubstantive changes shown below.

Effective Date: September 18, 2023.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .03B: These changes provide clarity by removing language regarding the physical location of a practitioner or patient when providing telehealth.

Regulation .04A: These changes remove ambiguous and other language to be consistent with the telehealth regulations for other health occupations boards.

.03 Licensure.

[[A.]] *Subject to the provisions of Health Occupations Article, §11-301, Annotated Code of Maryland, a telehealth practitioner shall be licensed in Maryland when providing telehealth services to a patient located in the State.*

[[B. Telehealth practitioners licensed in this State are subject to the jurisdiction of the State and shall abide by the telehealth requirements of this chapter if either the telehealth practitioner or patient is physically located in this State.]]

.04 Standards of Practice for Telehealth.

A. *Before performing telehealth services, a telehealth practitioner shall develop and follow a procedure to:*

(1) *Verify the identification of the patient receiving telehealth services* ~~[[within a reasonable degree of certainty]]~~ *through the use of:*

(a)—(c) (proposed text unchanged)

(2) *For an initial patient-telehealth practitioner* ~~[[interaction]]~~ *encounter, disclose the telehealth practitioner's:*

(a)—(d) (proposed text unchanged)

(3)—(5) (proposed text unchanged)

(6) *Ensure that the telehealth practitioner provides a secure and private* ~~[[telehealth connection]]~~ *communication modality that complies with federal and state privacy laws; and*

(7) (proposed text unchanged)