

## Subtitle 32 BOARD OF PHYSICIANS

### 10.32.05 Telehealth

Authority: Health Occupations Article, §§1-213, 1-606, 1-1003, 1-1006, 14-205, Annotated Code of Maryland

#### Notice of Proposed Action

[25-230-P]

The Secretary of Health proposes to amend Regulation .06 under **COMAR 10.32.05 Telehealth**. This action was considered by the Board of Physicians at public meetings held on July 23, 2025, notice of which was provided on the Board's website at <https://www.mbp.state.md.us/> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

#### Statement of Purpose

The purpose of this action is to update current regulations to reflect the changes to state law governing the practice of telehealth with the passage of the Preserve Telehealth Access Act of 2025 (HB0869).

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Jordan Fisher Blotter, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 534, Baltimore, Maryland 21201, or call 410-767-0938, or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov). Comments will be accepted through December 1, 2025. A public hearing has not been scheduled.

#### .06 Standards Related to Telehealth.

A.—B. (text unchanged)

C. A telehealth practitioner may not prescribe an opiate described in the list of Schedule II substances under Criminal Law Article, §5-403, Annotated Code of Maryland for the treatment of pain through telehealth unless:

(1) The patient is in a health care facility as defined in Health-General Article, §19-114(d)(1), Annotated Code of Maryland; [or]

(2) The Governor has declared a state of emergency due to a catastrophic health emergency[.]; or

(3) *There is an established bona fide practitioner-patient relationship in which the telehealth practitioner has ongoing responsibility for the assessment, care, and treatment of the patient and the telehealth practitioner, or another health care practitioner in the same group practice, as defined in Health Occupations Article, §1-301, Annotated Code of Maryland, previously conducted an in-person assessment of the patient.*

D. (text unchanged)

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Secretary of Health