SENATE BILL 1080

J1, E4 EMERGENCY BILL 0lr3783
CF HB 1663

By: **The President and Senator Lam**
Constitutional Requirements Complied with for Introduction in the last 35 Days of Session
Introduced and read first time: March 4, 2020
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

State Government – State of Emergency and Catastrophic Health Emergency – Authority of Governor
(COVID–19 Public Health Emergency Protection Act of 2020)

FOR the purpose of authorizing the Governor to take certain actions as a result of the issuance of a certain proclamation; defining certain terms; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the authority of the Governor in a state of emergency and a catastrophic health emergency.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) (1) In this section the following words have the meanings indicated.

(2) "Carrier" means:

(i) an insurer;

(ii) a nonprofit health service plan; or

(iii) a health maintenance organization.

(3) "Department" means the Maryland Department of Health.

(4) "Health care provider" has the meaning stated in § 14–3A–01 of the Public Safety Article.

(5) "Program" means the Maryland Medical Assistance Program.

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

(b) As a result of the issuance by the Governor on March 5, 2020, of the proclamation declaring a state of emergency and the existence of a catastrophic health emergency or any other proclamation issued under Title 14 of the Public Safety Article, the Governor may:

(1) prohibit cost–sharing by carriers for disease testing and any associated costs that is conducted based on testing protocols recommended by the Secretary of Health;

(2) order the Department to cover the cost of disease testing and any associated costs, if the costs would not otherwise be paid for by a carrier or another third party;

(3) require carriers and the Program to cover the cost of an immunization and any associated costs, without cost–sharing, if:

(i) the immunization has been determined by the Department to prevent the disease that is the basis for the issuance of the proclamation; and

(ii) the patient belongs to a category of individuals to whom the Department has determined cost–sharing should not apply;

(4) notwithstanding any other provision of law, establish or waive telehealth protocols, including authorizing health care professionals licensed out–of–state to provide telehealth to patients in the State;

(5) order the Department to reimburse synchronous and asynchronous telehealth services provided to a patient, without regard to whether the patient is at a clinical site, if the service is:

(i) covered by the Program;

(ii) provided by a health care provider participating in the Program; and

(iii) authorized under the health care provider's scope of practice;

(6) consult, as appropriate, with the Department, the Maryland Insurance Commissioner, and the Maryland Health Benefit Exchange to develop and implement orders to:

(i) minimize disruption in enrollment in health insurance and the Program;

(ii) facilitate reimbursement by carriers of telehealth services provided to patients in the State; and

(iii) facilitate reimbursement of essential services to minimize the

risk to public health;

(7) (i) for the duration of the emergency, prohibit a retailer from increasing the sale or rental price of any good or service to a price that increases the retailer's value of profit by more than 10%, including for the price of:

1. food;

2. fuel;

3. water and ice;

4. medicine;

5. medical supplies and equipment;

6. cleaning products;

7. building supplies and equipment;

8. energy sources; and

9. storage space; and

(ii) publish a list of goods and services to which item (i) of this item applies; and

(8) prohibit an employer from terminating an employee solely on the basis that the employee has been required to be isolated or quarantined under Title 14 of the Public Safety Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through April 30, 2021, and, at the end of April 30, 2021, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.