

**BOARD OF PODIATRIC MEDICAL EXAMINERS  
OPEN SESSION MEETING VIA GOOGLE MEETS**

**AGENDA (AMENDED)**

**January 12, 2023**

**Location: Google Meet** [meet.google.com/gdv-pqui-ywy](https://meet.google.com/gdv-pqui-ywy)

Join by phone: (US) +1 484-424-4697 PIN: 251509781

**A. ORDER OF BUSINESS**

1. Call to Order- Roll Call
2. COMAR 10.01.14.02.B: Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session.
3. Approval of minutes from November 10, 2022 meeting Tab A

**B. BOARD PRESIDENT'S REPORT**

**C. EXECUTIVE DIRECTOR'S REPORT**

**D. OLD BUSINESS:**

1. Update on Regulation 10.40.12 Telehealth (MDH- Podiatry) Tab B
  - a. Regulations were printed and posted in the December 16 Maryland Register

**E. NEW BUSINESS:**

1. Discussion of proposed regulation 10.32.02.03 regarding Investigative Interviews. Tab C
2. Discussion of MDH Physical Document Storage and Transport Protocol Document Tab D
3. NPDB December 2022 Insights Highlight Tab E
4. Discussion on developing a course, to provide CME credits, for effectively handling mental health patients in the office.

**5. HB 25 Public Health- Healthy Maryland Program- Establishment**

**Tab F**

Purpose: Establishing the Healthy Maryland Program as a public corporation and a unit of State government to provide comprehensive universal single-payer health care services for residents of the State; establishing requirements and prohibitions related to Healthy Maryland, including provisions regarding eligibility, participation by and payments to health care providers, benefits, payroll premiums, funding, and collective negotiations with health care providers; establishing the Healthy Maryland Board and the Healthy Maryland Public Advisory Committee; establishing certain requirements and prohibitions for Board and Committee members regarding conflicts of interest and personal liability; requiring the Secretary of Budget and Management to perform certain functions relating to the employment and contracting of staff for Healthy Maryland; establishing the Healthy Maryland Trust Fund as a special, nonlapsing fund; requiring interest earnings of the Fund to be credited to the Fund; repealing the Board of Trustees of the Maryland Health Benefit Exchange; requiring the Healthy Maryland Board to oversee the administration of the Maryland Health Benefit Exchange under certain circumstances; requiring the Executive Director of Healthy Maryland to serve as the Executive Director of the Maryland Health Benefit Exchange under certain circumstances; and generally relating to the Healthy Maryland Program.

**6. HB 19 State Board of Examiners of Psychologists- License and Registration Insurance 3 and Renewals- Electronic Means**

**Tab G**

Purpose: Requiring the State Board of Examiners of Psychologists to issue electronic licenses and certificates; repealing the requirement that the Board include certain information on each license and registration; altering the circumstances under which the Board is required to send renewal notices by first-class mail; and generally relating to the State Board of Examiners of Psychologists.

**7. HB 26 Health Occupations-Psychologist- Licensure Qualifications**

**Tab H**

Purpose: Altering the qualifications an individual must have to be licensed as a 4 psychologist by the State Board of Examiners of Psychologists; and generally 5 relating to the licensure of psychologists.

**8. HB 103 State Board of Social Work Examiners- Temporary License to Practice Social Work**

**Tab I**

Purpose: Requiring the State Board of Social Work Examiners, under certain circumstances, to issue a temporary license to practice social work; and generally relating to a temporary license to practice social work.

**9. SB 13 Family Law- Custody Evaluators- Qualifications and Training** **Tab J**

Purpose: Specifying certain qualifications and training necessary for an individual to be appointed or approved by a court as a custody evaluator; and generally relating to custody evaluators.

**10. SB 14 Health Occupations- Clinical and Graduate Alcohol and Drug Counselors Licensure** **Tab K**

Purpose: Altering the educational requirements that individuals must meet to be licensed as clinical or graduate alcohol and drug counselors; and generally relating to clinical and graduate alcohol and drug counselors.

**11. SB 78 Health Occupations- Service Members, Veterans, and Military Spouses- Temporary Licensure, Certification, Registration and Permitting** **Tab L**

Purpose: Requiring health occupations boards to issue an expedited temporary license, certificate, registration, or permit to a service member, veteran, or military spouse who meets certain requirements; requiring each health occupations board to include a check-off box prominently on a license, certification, or registration application form; requiring the Maryland Department of Health to publish prominently certain information on its website; and generally relating to temporary health occupational licensure, certification, registration, and permitting requirements for service members, veterans, and military spouses.

**12. HB 82 Maryland Medical Assistance and Children's Health Insurance Programs- School-Based Behavioral Health Services- Reimbursement** **Tab M**

Purpose: Requiring, on or before a certain date, the Maryland Department of Health to apply to the Centers for Medicare and Medicaid Services for a State plan amendment authorizing certain reimbursement of behavioral health services when provided in a school setting by certain health care providers under the Maryland Medical Assistance Program or the Maryland Children's Health Insurance Program; and generally relating to the Maryland Medical Assistance Program, the Maryland Children's Health Insurance Program, and school-based behavioral health services.

**F. ADJOURNMENT**



**BOARD OF PODIATRIC MEDICAL EXAMINERS  
OPEN SESSION MEETING VIA GOOGLE MEETS  
MINUTES**

**November 10, 2022**

**Location: Google Meet [meet.google.com/sxz-kcfb-uuy](https://meet.google.com/sxz-kcfb-uuy)**

**Join by phone: (US)+1 802-441-3668 PIN: 704588245**

**The Public Meeting commenced at 1:07pm, opened by the Board President, Dr. H. David Gottlieb.**

**Roll call was initiated by the Executive Director.**

**Board members present: Drs. Yvonne Umezurike, Aparna Duggirala, Bruce Fox and Adam Silverman.**

**Consumer Members Present: Ms. Frona Kroopnick and Ms. Lynne Brecker, RN.**

**Board staff present: Eva Schwartz, Executive Director; Elizabeth Kohlhepp, Deputy Director; and Kiana Nicholson, Administrative Assistant**

**Office of the Attorney General: Kristen Fon Lim, AAG, Board Counsel.**

**Representing MPMA: Dr. Jay Lebow, MPMA Member.**

**Guests: Kiana Trent, DPM.**

**Dr. Gottlieb cited COMAR 10.01.14.02.B: “Except in instances when a public body expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, a member of the public attending an open session may not participate in the session.”**

**A. MINUTES**

**1. Approval of minutes from the October 13, 2022 meeting**

The minutes of minutes from the October 13, 2022 meeting were approved unanimously, as submitted.

**B. BOARD PRESIDENT’S REPORT**

Dr. Gottlieb sent his regards for Dr. Silverman’s stewardship of the Board for the past several years and hopes to continue a great legacy. No new information was presented.

**C. EXECUTIVE DIRECTOR’S REPORT**

Ms. Schwartz updated the Board on the status of the network connection at the Board's main office. IT Staff is working towards having the first connections to occur by the end of the year.

The Board was informed that the MDH auditors are still expressing concern that the Health Occupation Boards are non-compliant with the conditions of the audit requirements, due to their inability to reconcile the revenue and expenditure Reports which must be generated first by the MDH Budget Office. That step did not occur because the MDH Budget Office was not able to provide the Boards with the Reports that the Boards needed to complete the required reconciliation process for the current fiscal year.

The Board of Podiatry has not been singled out to having any deficiencies or citations that are of concern. The reconciliation documents should be generated soon by MDH.

Dr. Duggirala and other Board members attended via videoconference the Federation Meeting, and reported that it was interesting to see the diversity in processes in managing Boards.

As a reminder, Ms. Schwartz reiterated that the Board will continue to meet via Google Meet.

Additionally, Ms. Schwartz informed the Board that the application for the 2024-2025 renewal cycle will open for submission in October 2023. At the time of application, all podiatrists will need to submit the 50 CME credits required for renewal. The deadline for submitting applications will be strictly enforced. Late applications received beyond December 31, 2023 will not be processed, and the license will lapse into Non Renewed. A podiatrist will need to apply for reinstatement of the license, and will not be able to practice until a newly reinstated license is issued by the Board.

## **D. OLD BUSINESS**

### **1. Regulation 10.40.12 Telehealth (MDH-Podiatry)**

Ms. Schwartz provided an update on Regulation 10.40.12 Telehealth (MDH-Podiatry). As of 12:37 PM on November 10, 2022, the regulation will be posted on December 16, 2022 in the Maryland Registrar for comments. In the instance that the regulation will not be posted on this date, it will appear in the December 30, 2022 issue.

### **2. PDMP**

Ms. Schwartz stated that CDS registration/permits are based on MDH issued regulations by the Office of Controlled Substance Administration (OCSA), and are issued exclusively by that office, this function not being under the purview of the Board of Podiatry. Dispensing permits are issued via application and approved by the Board of Podiatry.

### **3. NPDB**

The Board reviewed the National Practitioner Data Bank Insights Newsletter for informational purposes.

## **E. NEW BUSINESS**

### **1. Discussion on Docuexplorer**

Ms. Kohlhepp discussed the use of Docuexplorer for the Board staff. The program will allow Board staff to upload files and documents pertaining to all inactive and active podiatrists in the state of Maryland in lieu of paper records. It was reported that the fee to start a Docuexplorer subscription is around \$2500 with a payment of \$128 monthly to maintain the program thereafter. Board staff would receive up to six hours of training, with additional training offered if needed. Ms. Kohlhepp reiterated the benefits of using the program would allow for paperless filing and increase security with personal data. The program would also ease updating information for providers, as well as, transferring electronic National Boards scores and Transcripts to license application files. The Board will remain compliant with the new policies regarding the Department's internal auditing using Docuexplorer. All Board members are in favor of proceeding with Docuexplorer.

## **F. ADJOURNMENT**

**With no further business, the Public Session of the Board meeting concluded at 1:36 PM.**

**Respectfully submitted by Eva Schwartz, Executive Director, Signature and date\_\_**

**Elizabeth Kohlhepp, Deputy Executive Director, Signature and date\_\_**

**Frona Kroopnick, Board Secretary/Treasurer: Signature and date\_\_**



**Title 10**  
**MARYLAND DEPARTMENT OF HEALTH**  
**Subtitle 40 BOARD OF PODIATRIC MEDICAL EXAMINERS**

**10.40.12 Telehealth**

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

**Notice of Proposed Action**

[22-206-P]

The Secretary of Health proposes to adopt new Regulations ~~.01—.06~~ under a new chapter, **COMAR 10.40.12 Telehealth**. This action was considered by the Board of Podiatric Medical Examiners at a public meeting held on October 8, 2020, notice of which was given by publication on the Board's website at <https://health.maryland.gov/mbpme/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to provide new guidelines for podiatrists for the practice of telehealth pursuant to Chapters 15 and 16 (H.B. 448 and S.B. 402), Acts of 2020.

**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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.regs@maryland.gov](mailto:mdh.regs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through January 17, 2023. A public hearing has not been scheduled.

**.01 Scope.**

- A. This chapter governs the practice of podiatry 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.**

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

B. Terms Defined.

- (1) "Asynchronous" means not occurring in real time.
- (2) "In-person" means within the physical presence of the patient.
- (3) "Interpretive services" means reading and analyzing images, tracings, or specimens through telehealth or giving interpretations based on visual, auditory, thermal, or ultrasonic patterns or other patterns as may evolve with technology.
- (4) "Remote patient monitoring" means the use of telehealth devices to collect medical and other forms of health data from patients that are securely provided to a telehealth practitioner in a different location for assessment, recommendation, and diagnosis.
- (5) "Store and forward technology" means the asynchronous transmission of digital images, documents, and videos electronically through secure means.

(6) "Synchronous" means occurring in real time.

(7) "Telehealth" has the meaning stated in Health Occupations Article, §1-1001, of the Annotated Code of Maryland.

(8) "Telehealth devices" means devices that gather visual or other data and remotely send the images or data to a telehealth practitioner in a different location from the patient.

(9) "Telehealth practitioner" means a Maryland-licensed podiatrist performing telehealth services within the scope of practice.

### **.03 Licensure.**

A. Subject to the provisions of Health Occupations Article, Title 16, Subtitle 3, 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 providing 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 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) Contact information; and

(c) Maryland license number;

(3) Except for interpretive services, obtain oral or written acknowledgement from a patient or a 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 prescribed treatments;

(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 telehealth connection 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.

B. Except when utilizing store and forward technology to provide telehealth services or remote patient monitoring, 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.

C. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable for in-person health care settings.

D. A telehealth practitioner may not prescribe opioids for the treatment of pain through telehealth except if the patient is in a health care facility as defined in Health-General Article, §19-114, Annotated Code of Maryland.

### **.05 Patient Evaluation.**

A. Except when providing asynchronous telehealth services or remote patient monitoring, a telehealth practitioner shall:

(1) Perform a clinical patient evaluation adequate to establish a diagnosis and identify underlying conditions or contraindications to recommended treatment options before providing treatment or prescribing medication through telehealth; and

(2) If clinically appropriate for the patient, provide or refer a patient to:

(a) In-person health care services; or

(b) Another type of telehealth service.

B. If the evaluation is adequate to comply with §A of this regulation, a telehealth practitioner may use:

(1) Telehealth devices;

(2) Live synchronous audio-visual communication;

(3) Other methods of performing a medical examination remotely; or

(4) A patient evaluation performed by another licensed health care practitioner providing coverage.

C. A telehealth practitioner may not treat a patient or issue a prescription based solely on an online questionnaire.

### **.06 Telehealth Practitioner Discipline.**

*A. The Board shall use the same standards of evaluating and investigating a complaint about and in disciplining a licensee who practices telehealth as it would use for a licensee who does not use telehealth technology in the licensee's practice.*

*B. The failure of a telehealth practitioner to comply with Regulations .04 and .05 of this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.*

DENNIS R. SCHRADER  
Secretary of Health

accepted through January 17, 2023. A public hearing has not been scheduled.

**.01 Scope.**

A. This chapter governs the practice of optometry 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.**

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

B. Terms Defined.

(1) "Asynchronous" means not occurring in real time.

(2) "In-person" means within the physical presence of the patient.

(3) "Interpretive services" means reading and analyzing images, tracings, or specimens through telehealth or giving interpretations based on visual, auditory, thermal, or ultrasonic patterns or other patterns as may evolve with technology.

(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 Maryland licensed optometrist performing telehealth services within the scope of practice.

**.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) 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 interaction, disclose the telehealth practitioner's

(a) Name;

(b) Contact information;

(c) Maryland license number; and

(d) Medical specialty, if applicable;

(3) Except for interpretive services, 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 prescribed treatments;

(4) Securely collect and transmit a patient's medical information, clinical data, clinical images, laboratory results, and self-reported medical 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 telehealth connection that complies with federal and state privacy laws; and

(7) Establish safety protocols to be used in the case of an emergency.

B. 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 practice setting in which the patient is located; and

(3) Identify all individuals present at each location and confirm they are allowed to hear personal health information.

C. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable for in-person health care settings.

D. The requirements set forth under §§A and B of this regulation may be delegated.

**.05 Patient Evaluation.**

A. Subject to the provisions of Health Occupations Article, §11-208, Annotated Code of Maryland, a telehealth practitioner shall:

(1) Perform a synchronous or asynchronous clinical patient evaluation that is appropriate for the patient and the condition with which the patient presents before providing treatment or issuing a prescription through telehealth; and

(2) If clinically appropriate for the patient, provide or refer a patient to:

(a) In-person health care services; or

(b) Another type of telehealth service.

B. A telehealth practitioner may not treat a patient or issue a prescription based solely on a static online questionnaire.

**.06 Telehealth Practitioner Discipline.**

A. The Board shall use the same standards of evaluating and investigating a complaint about and in disciplining a licensee who practices telehealth as it would use for a licensee who does not use telehealth technology in the licensee's practice.

B. The failure of a telehealth practitioner to comply with Regulations .04 and .05 of this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 40 BOARD OF PODIATRIC  
MEDICAL EXAMINERS**

**10.40.12 Telehealth**

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

**Notice of Proposed Action**

[22-206-P]

The Secretary of Health proposes to adopt new Regulations .01—.06 under a new chapter, **COMAR 10.40.12 Telehealth**. This action was considered by the Board of Podiatric Medical Examiners at a public meeting held on October 8, 2020, notice of which was given by publication on the Board's website at <https://health.maryland.gov/mbpme/Pages/index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to provide new guidelines for podiatrists for the practice of telehealth pursuant to Chapters 15 and 16 (H.B. 448 and S.B. 402), Acts of 2020.

**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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 17, 2023. A public hearing has not been scheduled.

**.01 Scope.**

A. This chapter governs the practice of podiatry 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.**

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

(1) "Asynchronous" means not occurring in real time.

(2) "In-person" means within the physical presence of the patient.

(3) "Interpretive services" means reading and analyzing images, tracings, or specimens through telehealth or giving interpretations based on visual, auditory, thermal, or ultrasonic patterns or other patterns as may evolve with technology.

(4) "Remote patient monitoring" means the use of telehealth devices to collect medical and other forms of health data from patients that are securely provided to a telehealth practitioner in a different location for assessment, recommendation, and diagnosis.

(5) "Store and forward technology" means the asynchronous transmission of digital images, documents, and videos electronically through secure means.

(6) "Synchronous" means occurring in real time.

(7) "Telehealth" has the meaning stated in Health Occupations Article, §1-1001, of the Annotated Code of Maryland.

(8) "Telehealth devices" means devices that gather visual or other data and remotely send the images or data to a telehealth practitioner in a different location from the patient.

(9) "Telehealth practitioner" means a Maryland-licensed podiatrist performing telehealth services within the scope of practice.

**.03 Licensure.**

A. Subject to the provisions of Health Occupations Article, Title 16, Subtitle 3, 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 providing 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 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) Contact information; and
- (c) Maryland license number;

(3) Except for interpretive services, obtain oral or written acknowledgement from a patient or a 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 prescribed treatments;

(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 telehealth connection 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.

B. Except when utilizing store and forward technology to provide telehealth services or remote patient monitoring, 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.

C. A telehealth practitioner shall be held to the same standards of practice and documentation as those applicable for in-person health care settings.

D. A telehealth practitioner may not prescribe opioids for the treatment of pain through telehealth except if the patient is in a health care facility as defined in Health-General Article, §19-114, Annotated Code of Maryland.

**.05 Patient Evaluation.**

A. Except when providing asynchronous telehealth services or remote patient monitoring, a telehealth practitioner shall:

(1) Perform a clinical patient evaluation adequate to establish a diagnosis and identify underlying conditions or contraindications to recommended treatment options before providing treatment or prescribing medication through telehealth; and

(2) If clinically appropriate for the patient, provide or refer a patient to:

- (a) In-person health care services; or
- (b) Another type of telehealth service.

B. If the evaluation is adequate to comply with §A of this regulation, a telehealth practitioner may use:

- (1) Telehealth devices;
- (2) Live synchronous audio-visual communication;
- (3) Other methods of performing a medical examination remotely; or

(4) A patient evaluation performed by another licensed health care practitioner providing coverage.

C. A telehealth practitioner may not treat a patient or issue a prescription based solely on an online questionnaire.

**.06 Telehealth Practitioner Discipline.**

A. The Board shall use the same standards of evaluating and investigating a complaint about and in disciplining a licensee who practices telehealth as it would use for a licensee who does not use telehealth technology in the licensee's practice.

B. The failure of a telehealth practitioner to comply with Regulations .04 and .05 of this chapter shall constitute unprofessional conduct and may be subject to disciplinary action by the Board.

DENNIS R. SCHRADER  
Secretary of Health

**Subtitle 41 BOARD OF EXAMINERS  
FOR AUDIOLOGISTS, HEARING AID  
DISPENSERS, SPEECH-LANGUAGE  
PATHOLOGISTS, AND MUSIC  
THERAPISTS**

**10.41.06 Telehealth**

Authority: Health Occupations Article, §§2-201, 2-205, and 1-1001—1-1006, Annotated Code of Maryland

**Notice of Proposed Action**

[22-207-P]

The Secretary of Health proposes to repeal existing Regulations .01—.05 under existing COMAR 10.41.06 Telehealth Communication and adopt new Regulations .01—.06 under new COMAR 10.41.06 Telehealth. This action was considered by the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists at a public meeting held on October 15, 2020, notice of which was given by publication on the Board's website at <https://health.maryland.gov/boardsahs/Pages/Index.aspx> pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to provide new guidelines for audiologists, hearing aid dispensers, speech-language pathologists, and music therapists for the practice of telehealth pursuant to Chs. 15 and 16 (H.B. 448 and S.B. 402), Acts of 2020.

**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 Jourdan Green, Director, Office of Regulation and Policy Coordination, Maryland Department of Health,

201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to [mdh.rcgs@maryland.gov](mailto:mdh.rcgs@maryland.gov), or fax to 410-767-6483. Comments will be accepted through January 17, 2023. A public hearing has not been scheduled.

**.01 Scope.**

A. This chapter governs the practice of audiology, hearing aid dispensing, speech-language pathology, and music 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.**

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

B. Terms Defined.

- (1) "Asynchronous" means not occurring in real time.
- (2) "Board" means the State Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists.
- (3) "In-person" means in the physical presence of the patient.
- (4) "Interpretive services" means reading and analyzing images, tracings, or specimens through telehealth or giving interpretations based on visual, auditory, thermal, or ultrasonic patterns or other patterns as may evolve with technology.
- (5) "Synchronous" means occurring in real time.
- (6) "Telehealth" has the meaning stated in Health Occupations Article, §1-1001, Annotated Code of Maryland.
- (7) "Telehealth practitioner" means a licensee of the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists performing telehealth services within their respective scope of practice.

**.03 Licensure.**

A. Subject to the provisions of Health Occupations Article, Title 2, Subtitle 3, 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 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) Contact information;
  - (c) Maryland license number and type; and
  - (d) Medical specialty, if applicable;
- (3) Except for interpretive services, 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 and benefits of the services to be provided;

PROPOSED REGULATIONS



10.32.02.02 Definitions.

...

B. Terms Defined.

...

*(19) Investigative Interview.*

*(a) "Investigative Interview" means a fact-finding proceeding conducted in the course of an investigation during which designated staff meets with the respondent to obtain relevant information.*

*(b) "Investigative Interview" does not include activity that takes place as part of the inspection of a place of business or public premises conducted under Health Occupations Article §§ 14-206(d), 14-206.1 or 15-205(c)(4), Annotated Code of Maryland, or an inspection conducted with a search warrant.*

10.32.02.03 Prehearing Proceedings

...

C. Investigation of Complaints.

...

*(5) Investigative Interviews.*

*(a) During the course of an investigation, designated staff may conduct an investigative interview of the respondent to obtain relevant information.*

*(b) Representation by counsel.*

*(i) The respondent may be accompanied by counsel during an investigative interview by the Board.*

*(ii) Counsel may observe the investigative interview and may advise their client on legal matters.*

*(iii) If counsel makes repeated interruptions or objections during an investigative interview, Board staff may request that counsel hold all further comments until the conclusion of the interview.*

*(iv) If counsel continues to interrupt or object during an investigative interview after Board staff's request as stated in (b)(iii) of this regulation, Board staff may require counsel to leave the interview.*

*(c) At the conclusion of an investigative interview of the respondent, the respondent or their counsel shall be provided with an opportunity to provide additional information that they believe is relevant to the interview or investigation. Board staff may request that any additional information be submitted in writing to the Board.*

*(d) A respondent's failure to appear for an investigative interview, refusal to respond to questions by Board staff, or refusal to continue an interview after counsel is required to leave pursuant to (b)(iv) of this regulation is a failure to cooperate with a lawful investigation by the Board or a disciplinary panel.*

# MDH POLICY

<https://health.maryland.gov/Pages/mdhpolicies.aspx>

INTERNAL CONTROLS, AUDIT  
COMPLIANCE & INFORMATION  
SECURITY (IAC/S)

MDH POLICY 01.05.09  
Effective Date: November 21, 2022



## PHYSICAL DOCUMENT STORAGE & TRANSPORT PROTOCOLS

### I. EXECUTIVE SUMMARY

The mission of the Maryland Department of Health (MDH) is to promote and improve the health and safety of all Marylanders through disease prevention, access to care, quality management, and community engagement. MDH, through its mission, creates, receives, and stores large amounts of physical records containing sensitive information. MDH bears responsibility to the public to provide stewardship and protection of sensitive information.

This policy outlines the procedures that MDH will follow to safeguard information found within physical documents containing Personally Identifiable Information (PII), Protected Health Information (PHI), Personally Identifiable Financial Information, Personal Information (PI) and other sensitive information when stored in an MDH office or is transported from one location to another.

### II. BACKGROUND

In a series of Executive Orders, the State of Maryland prioritized data security and privacy in all State agencies. These orders required MDH to establish certain privacy practices by January 1, 2022 (01.01.2021.10) to safeguard personally identifiable information in digital or physical form. MDH also requires that physical security safeguards be implemented to protect information as briefly discussed in the Information Assurance Policy (02.01.06).

In response to MDH Policy 02.01.06 and Executive Order 01.01.2021.10, MDH establishes the Physical Document Storage & Transport Protocols to provide detailed guidance on how to safeguard MDH physical records and the information within.

### III. POLICY STATEMENTS

#### A. DEFINITIONS.

In this policy, the following terms have the meanings indicated.

MARYLAND DEPARTMENT OF HEALTH  
OFFICE OF REGULATION AND POLICY COORDINATION (ORPC)  
201 West Preston Street - Suite 512 – Baltimore Maryland 21201-2301  
Phone 410 767-6499 FAX 410 767-6483

**MDH POLICY 01.05.09    PHYSICAL DOCUMENT STORAGE & TRANSPORT  
INTERNAL CONTROLS, AUDIT COMPLIANCE & INFORMATION SECURITY**

1.     **“Covered Information”** in this policy refers to Personal Information (PI), Personally Identifiable Information (PII), Protected Health Information (PHI), Personally Identifiable Financial Information and Other Sensitive Information as defined herein.

2.     **“Non-records Materials”** means items created, copied, downloaded, or acquired for reference, exhibition, distribution, or back up, including manuals, pamphlets, newspapers and informational letters; copies of documents used as working, reading, 'tickler' and suspense files; speech notes, reminders, shorthand notes, notebooks which have been transcribed; other temporary materials used to control internal work-in-progress including meeting reminders, calendars, e-mail, voice-mail or telephone messages of a non-policy nature; reference materials (dictionaries, telephone directories, etc.), stocks of publications or other reproduced information.

3.     **“Office Personnel”** means any MDH employee or on-site contractor (including special payments payroll or other contractual staff).

4.     **“Other Sensitive Information”** means any information, including photographs, that relates to a health condition of an individual, contains financial information of an individual, identifies a characteristic of a classification protected by State or federal law, or relates to personnel issues and is not PI, PII, PHI, or Personally Identifiable Financial Information.

5.     **“Protected Health Information (PHI) ”** means individually identifiable health information that is transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium, as defined by the HIPAA regulations, 45 CFR § 160.103.

6.     **“Personally Identifiable Financial Information”** means any information:

- a.     A consumer provides to obtain a financial product or service;
- b.     About a consumer resulting from any transaction involving a financial product or service between you and a consumer; or
- c.     Otherwise obtained about a consumer in connection with providing a financial product or service to that consumer.

7.     **“Personally Identifiable Information (PII)”** means any information about an individual that is managed, stored, or collected by an MDH unit, including:

- a.     Any information that can be used to distinguish or trace an individual's identity, including, but not limited to, Social Security

**MDH POLICY 01.05.09 PHYSICAL DOCUMENT STORAGE & TRANSPORT  
INTERNAL CONTROLS, AUDIT COMPLIANCE & INFORMATION SECURITY**

Number, date or place of birth, mother's maiden name, or biometric records; and

b. Any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

8. **"Personal Information (PI)"** means an individual's first name or first initial and last name, personal mark, or unique biometric or genetic print or image, in combination with one or more of the following data elements:

a. A Social Security number;

b. A driver's license number, state identification card number, or other individual identification number issued by a unit;

c. A passport number or other identification number issued by the United States government;

d. An Individual Taxpayer Identification Number; or

e. A financial or other account number, a credit card number, or a debit card number that, in combination with any required security code, access code, or password, would permit access to an individual's account.

9. **"Records"** means any paper, correspondence, form, photograph, recording, microfilm, magnetic tape, diskette, compact disk (CD), digital video disc (DVD) file, table, chart, map, drawing, database, or other documents (including e-mail), regardless of physical form or characteristics, that has been made or received by a unit of MDH in connection with the transaction of official business, and that needs to be preserved for informational value or as evidence of a transaction.

#### **IV. ASSIGNMENTS AND DUTIES**

##### **A. Designation of Physical Document Storage Roles.**

Each MDH unit shall:

1. Assign an employee to be responsible for storing keys for the cabinets, closets or other spaces where covered information is stored;

2. Distribute a second key to a second employee for use in the event the person described in paragraph 1 of this section is unavailable or unable to perform their duties;

**MDH POLICY 01.05.09 PHYSICAL DOCUMENT STORAGE & TRANSPORT  
INTERNAL CONTROLS, AUDIT COMPLIANCE & INFORMATION SECURITY**

3. Develop an action plan that controls the actions taken by the unit when a key is lost, stolen or misplaced; and
4. Keep a log of all individuals who have keys, including the date they received the key and the date of return if applicable.

**B. Designation of Physical Document Storage Responsibilities.**

Unit Leadership shall designate a location(s) within the office where physical records, including paper records, thumb drives, disks and any other removable electronic storage devices, containing Covered Information will be stored and locked.

1. Appropriate storage locations consist of locked file cabinets, locked closets, and locked storage rooms to which access is limited to only those employees who need access in order to perform their job-related responsibilities.
2. A spare key shall be made available and designated to another person within the office that does not hold the main key.
  - a. Those who are designated a spare key to the storage locations shall be made aware, by the office manager, of the compliance risks that arise when documents containing Covered Information are left unattended, unlocked in an office or in plain view on a desk rather than locked in a designated and locked cabinet.

**C. Transporting Records by Office Personnel.**

1. When physical documents containing Covered Information are transported from the MDH location in which they are stored or originated, the office personnel must ensure documents are:
  - a. Transported by an authorized MDH employee or vendor;
  - b. Under supervision of the person transporting them at all times during transport; and
  - c. Stored in a secure location such as a vehicle, locked file cabinet, or closet with access limited to only those who are authorized.
    - i. When records are stored in a vehicle, they should be stored such that they are not visible to unauthorized persons, and should be stored in a glove box, locked briefcase, in record boxes sealed with tape or in another manner likely to protect the documents from being viewed by unauthorized persons and from being lost or misplaced. Covered information should be removed from a vehicle as

**MDH POLICY 01.05.09 PHYSICAL DOCUMENT STORAGE & TRANSPORT  
INTERNAL CONTROLS, AUDIT COMPLIANCE & INFORMATION SECURITY**

quickly as possible to avoid the possibility of leaving documents in a vehicle without supervision.

2. When transporting physical documents containing Covered Information that are to be disposed, such as for shredding, office personnel shall ensure that:

a. The individual(s) transporting the documents is aware of their responsibility to maintain supervision and control of the documents until the documents have reached their destination and/or have been disposed of; and

b. Non-records materials, such as copies of original documents or working copies, containing sensitive information are handled and disposed of in the same manner as original documents.

**D. Disposing of Records.**

1. The MDH Records Management Office oversees the MDH Records Management Program<sup>1</sup> which is responsible for approving the disposal of records submitted via Certificate of Record Disposal request form. When requesting to dispose of any records, the Records Coordinator of the MDH unit shall:

a. Follow the instructions as outlined within the Records Retention and Disposal Schedule that pertains to their unit; and

b. Submit a Certificate of Record Disposal form to the MDH Records Management Office for disposal approval.

**V. REFERENCE**

- Executive Order 01.01.2021.10 Maryland Data Privacy
- MDH Policy 02.01.06 Information Assurance Policy (IAP)
- MDH Policy 02.01.01 Employee Information Technology Security: Protecting Non-Public Information
- MDH Policy 01.06.02 MDH Data Use Policy
- MDH Policy 01.05.06 MDH Records Management Policy

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<sup>1</sup> 01.05.06 MDH Records Management Policy outlines the Records Management Program and its purpose to provide the continual economical and efficient management of the record and non-record material of MDH. This Program includes appropriate measures to ensure both public accessibility and protection/confidentiality of designated materials.

**MDH POLICY 01.05.09    PHYSICAL DOCUMENT STORAGE & TRANSPORT  
INTERNAL CONTROLS, AUDIT COMPLIANCE & INFORMATION SECURITY**

- Code of Federal Regulation - 45 CFR § 160.103

**APPROVED:**



Dennis R. Schrader, Secretary, MDH

November 21, 2022  
**Effective Date**



## What Do You Want To See in Insights?

At Insights, we would love to hear from you. What topics would you like to learn more about? What specific challenges do you have reporting to or querying the NPDB?

Use the link below to share your thoughts with us. Your question could be answered soon!

## Is It Reportable?

**The Drug Enforcement Administration (DEA) denied a physician's application to renew his DEA's registration to prescribe controlled substances because he provided false information on the application. Should this action be reported to the NPDB?**



Yes. Federal licensing and certification agencies must report a formal denial of a health care practitioner's, provider's, or supplier's renewal application for licensure or certification. NPDB regulations require the reporting of:

- Any loss of a license, loss of a certification agreement or contract for participation in a government health care program
- The right to apply for, or renew, a license or certification agreement or contract of a health care practitioner, provider, or supplier, whether by operation of law, voluntary surrender, nonrenewal\* or otherwise

\*Note: Excluding nonrenewals due to nonpayment of fees, retirement, or change to inactive status

## Keep Your Account up to Date

It's always a good idea to make sure your NPDB account is up to date! Follow these tips to make sure your account is accurate.

- **Review your Continuous Query enrollments.** Have your account administrator review and update your enrollments. You must add any new information about your enrolled practitioners. For example, update name and licensure changes. Make sure to cancel enrollments for those practitioners who no longer work in your organization or should no longer be queried upon.
- **Review your Subject Database.** If you use a Subject Database, verify that its information is current. You can use this information to pre-populate
  - Query forms
  - Report forms, and



- Continuous Query enrollments
- **Verify your user accounts.** Have your administrator review your organization's accounts. You must delete all accounts for employees who no longer work at your organization. You can also add roles to your user accounts, like querying, reporting, and billing. You can also select other users to be Data Bank administrators.
- **Update your registration profile.** Has your organization changed any items in the list below? You can update them at any time. Visit our How to Update Profile Information page to learn how.
  - Name
  - Address
  - Tax ID number
  - Email address
  - Phone number
  - Point of contact
- **Reconcile payments.** Do you need receipts to reconcile NPDB charges on credit cards or bank statements? Select View Billing History to view receipts for your NPDB charges.

Visit the NPDB Help Center for more helpful tips.

## NPDB Spotlight: Federal Hospitals

Federal hospitals are required to report and query the NPDB.

### Reporting

Under a memorandum of understanding, federal hospitals may have to submit reports on:

- Clinical privileges
- Medical malpractice payments

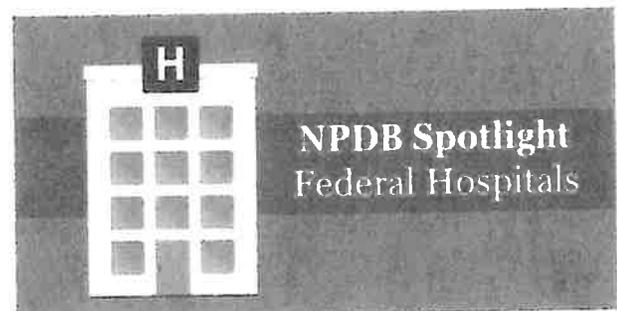
Because federal hospitals are also agencies administering federal health care programs, they are also required to report the following:

- Other Adjudicated Actions or Decisions
  - A formal or official final action taken against a practitioner, provider, or supplier that includes the opportunity for due process and is based on acts or omissions that affect (or could affect) the payment, provision, or delivery of a health care item or service
- Exclusions
  - Exclusions of health care practitioners, providers, or suppliers from engaging in federal or state health care programs

### Querying

Under a memorandum of understanding, federal hospitals may have to query the NPDB:

- When a practitioner applies for medical staff appointment or for clinical privileges (including courtesy staff and temporary privileges)
- Every 2 years on all practitioners who are on its medical staff or who hold clinical privileges at the hospital (this includes courtesy staff)



See our [How Many Queries Do I Need to Run?](#) infographic for information on sharing query responses.

The best way for federal hospitals to fulfill their querying requirements is to use Continuous Query. Continuous Query keeps you informed about your enrolled practitioners 24 hours a day, 365 days a year. You will receive mail notifications within 24 hours of a report received by the NPDB.

Visit our [About Continuous Query](#) page for more information.

The latest updates and resources are available at <https://www.npdb.hrsa.gov>.

Previous editions of NPDB Insights are available in our [archive](#).



# HOUSE BILL 25

J1  
HB 534/21 – HGO

(PRE-FILED)

3lr0969

By: **Delegate Acevero**  
Requested: November 18, 2022  
Introduced and read first time: January 11, 2023  
Assigned to: Health and Government Operations

## A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Healthy Maryland Program – Establishment**

3 FOR the purpose of establishing the Healthy Maryland Program as a public corporation  
4 and a unit of State government to provide comprehensive universal single-payer  
5 health care services for residents of the State; establishing requirements and  
6 prohibitions related to Healthy Maryland, including provisions regarding eligibility,  
7 participation by and payments to health care providers, benefits, payroll premiums,  
8 funding, and collective negotiations with health care providers; establishing the  
9 Healthy Maryland Board and the Healthy Maryland Public Advisory Committee;  
10 establishing certain requirements and prohibitions for Board and Committee  
11 members regarding conflicts of interest and personal liability; requiring the  
12 Secretary of Budget and Management to perform certain functions relating to the  
13 employment and contracting of staff for Healthy Maryland; establishing the Healthy  
14 Maryland Trust Fund as a special, nonlapsing fund; requiring interest earnings of  
15 the Fund to be credited to the Fund; repealing the Board of Trustees of the Maryland  
16 Health Benefit Exchange; requiring the Healthy Maryland Board to oversee the  
17 administration of the Maryland Health Benefit Exchange under certain  
18 circumstances; requiring the Executive Director of Healthy Maryland to serve as the  
19 Executive Director of the Maryland Health Benefit Exchange under certain  
20 circumstances; and generally relating to the Healthy Maryland Program.

21 BY adding to  
22 Article – Health – General  
23 Section 25–101 through 25–1204 to be under the new title “Title 25. Healthy  
24 Maryland”  
25 Annotated Code of Maryland  
26 (2019 Replacement Volume and 2022 Supplement)

27 BY repealing and reenacting, without amendments,  
28 Article – Insurance

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 31–101(a)  
2 Annotated Code of Maryland  
3 (2017 Replacement Volume and 2022 Supplement)

4 BY repealing and reenacting, with amendments,  
5 Article – Insurance  
6 Section 31–101(b)  
7 Annotated Code of Maryland  
8 (2017 Replacement Volume and 2022 Supplement)

9 BY repealing  
10 Article – Insurance  
11 Section 31–104 and 31–105(a)  
12 Annotated Code of Maryland  
13 (2017 Replacement Volume and 2022 Supplement)

14 BY adding to  
15 Article – Insurance  
16 Section 31–104 and 31–105(a)  
17 Annotated Code of Maryland  
18 (2017 Replacement Volume and 2022 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – State Finance and Procurement  
21 Section 6–226(a)(2)(i)  
22 Annotated Code of Maryland  
23 (2021 Replacement Volume and 2022 Supplement)

24 BY repealing and reenacting, with amendments,  
25 Article – State Finance and Procurement  
26 Section 6–226(a)(2)(ii)170. and 171.  
27 Annotated Code of Maryland  
28 (2021 Replacement Volume and 2022 Supplement)

29 BY adding to  
30 Article – State Finance and Procurement  
31 Section 6–226(a)(2)(ii)172.  
32 Annotated Code of Maryland  
33 (2021 Replacement Volume and 2022 Supplement)

34 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
35 That the Laws of Maryland read as follows:

36 **Article – Health – General**

37 **TITLE 25. HEALTHY MARYLAND.**

1                   **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

2   **25-101.**

3           **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5           **(B) (1) "ACTIVITIES OF DAILY LIVING" MEANS BASIC EVERYDAY**  
6 **SELF-CARE ACTIVITIES.**

7           **(2) "ACTIVITIES OF DAILY LIVING" INCLUDES EATING, TOILETING,**  
8 **GROOMING, DRESSING, BATHING, AND TRANSFERRING.**

9           **(C) "AFFORDABLE CARE ACT" MEANS THE FEDERAL PATIENT**  
10 **PROTECTION AND AFFORDABLE CARE ACT AND ANY REGULATIONS OR GUIDANCE**  
11 **ISSUED UNDER THE ACT.**

12           **(D) (1) "ALLIED HEALTH PRACTITIONER" MEANS A HEALTH**  
13 **PROFESSIONAL WHO:**

14                   **(I) APPLIES THE HEALTH PROFESSIONAL'S EXPERTISE TO:**

15                           **1. PREVENT DISEASE TRANSMISSION; AND**

16                           **2. DIAGNOSE, TREAT, AND REHABILITATE INDIVIDUALS**  
17 **OF ALL AGES; AND**

18                   **(II) WITH A RANGE OF TECHNICAL AND SUPPORT STAFF, MAY**  
19 **DELIVER DIRECT PATIENT CARE, REHABILITATION, TREATMENT, DIAGNOSTICS, AND**  
20 **HEALTH IMPROVEMENT INTERVENTIONS TO RESTORE AND MAINTAIN OPTIMAL**  
21 **PHYSICAL, SENSORY, PSYCHOLOGICAL, COGNITIVE, OR SOCIAL FUNCTIONS.**

22           **(2) "ALLIED HEALTH PRACTITIONER" INCLUDES AN AUDIOLOGIST,**  
23 **AN OCCUPATIONAL THERAPIST, A SOCIAL WORKER, AND A RADIOGRAPHER.**

24           **(E) "BOARD" MEANS THE HEALTHY MARYLAND BOARD.**

25           **(F) "CARRIER" HAS THE MEANING STATED IN § 15-112(A)(5) OF THE**  
26 **INSURANCE ARTICLE.**

27           **(G) "COMMITTEE" MEANS THE HEALTHY MARYLAND PUBLIC ADVISORY**  
28 **COMMITTEE.**

1           (H) (1) “ESSENTIAL COMMUNITY PROVIDER” HAS THE MEANING STATED  
2 IN 45 C.F.R. § 156.235(C).

3                   (2) “ESSENTIAL COMMUNITY PROVIDER” INCLUDES A PERSON  
4 ACTING AS:

5                           (I) A SAFETY NET CLINIC;

6                           (II) A SAFETY NET HEALTH CARE PROVIDER; OR

7                           (III) A RURAL HOSPITAL.

8           (I) “FEDERALLY MATCHED PUBLIC HEALTH PROGRAM” MEANS:

9                           (1) THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER TITLE  
10 XIX OF THE FEDERAL SOCIAL SECURITY ACT; OR

11                           (2) THE MARYLAND CHILDREN’S HEALTH INSURANCE PROGRAM  
12 UNDER TITLE XXI OF THE SOCIAL SECURITY ACT.

13           (J) “FUND” MEANS THE HEALTHY MARYLAND TRUST FUND.

14           (K) “HEALTH CARE PROVIDER” MEANS:

15                           (1) AN ACUPUNCTURIST;

16                           (2) AN AUDIOLOGIST;

17                           (3) A CHIROPRACTOR;

18                           (4) A DIETITIAN;

19                           (5) A DENTIST;

20                           (6) AN ELECTROLOGIST;

21                           (7) A HEALTH CARE FACILITY THAT IS:

22                                   (I) A FREESTANDING AMBULATORY CARE FACILITY AS  
23 DEFINED IN § 19-3B-01 OF THIS ARTICLE;

24                                   (II) A FREESTANDING MEDICAL FACILITY AS DEFINED IN §  
25 19-3A-01 OF THIS ARTICLE;

- 1 (III) A FACILITY AS DEFINED IN § 10–101 OF THIS ARTICLE;
- 2 (IV) A HOSPITAL AS DEFINED IN § 19–301 OF THIS ARTICLE;
- 3 (V) A LIMITED SERVICE HOSPITAL AS DEFINED IN § 19–301 OF  
4 THIS ARTICLE;
- 5 (VI) A RELATED INSTITUTION AS DEFINED IN § 19–301 OF THIS  
6 ARTICLE; OR
- 7 (VII) A RESIDENTIAL TREATMENT CENTER AS DEFINED IN §  
8 19–301 OF THIS ARTICLE;
- 9 (8) A MASSAGE THERAPIST;
- 10 (9) A REGISTERED NURSE;
- 11 (10) A NUTRITIONIST;
- 12 (11) AN OCCUPATIONAL THERAPIST;
- 13 (12) AN OPTOMETRIST;
- 14 (13) A PHYSICAL THERAPIST;
- 15 (14) A PHYSICIAN;
- 16 (15) A PODIATRIST;
- 17 (16) A PROFESSIONAL COUNSELOR;
- 18 (17) A PSYCHOLOGIST;
- 19 (18) A SOCIAL WORKER; OR
- 20 (19) A SPEECH–LANGUAGE PATHOLOGIST.
- 21 (L) “HEALTH CARE SERVICE” MEANS ANY HEALTH CARE SERVICE THAT IS  
22 INCLUDED AS A BENEFIT UNDER HEALTHY MARYLAND.
- 23 (M) “HEALTHY MARYLAND” MEANS THE HEALTHY MARYLAND PROGRAM.

1           (N) “HEALTHY MARYLAND MEMBER” MEANS AN INDIVIDUAL WHO IS  
2 ENROLLED IN HEALTHY MARYLAND.

3           (O) “HOME- AND COMMUNITY-BASED SERVICES” MEANS THE HOME- AND  
4 COMMUNITY-BASED SERVICES ESTABLISHED UNDER § 1915(C), (D), (I), AND (K) OF  
5 THE SOCIAL SECURITY ACT AND AS DESCRIBED IN THE HOME- AND  
6 COMMUNITY-BASED SERVICES SETTINGS RULE UNDER 42 C.F.R. § 441.530 AND 42  
7 C.F.R. § 441.710.

8           (P) “IMPLEMENTATION PERIOD” MEANS THE PERIOD SPECIFIED UNDER §  
9 25-304 OF THIS TITLE DURING WHICH HEALTHY MARYLAND IS SUBJECT TO  
10 SPECIAL ELIGIBILITY AND FINANCING PROVISIONS UNTIL IT IS FULLY  
11 IMPLEMENTED UNDER THAT SECTION.

12           (Q) (1) “INSTRUMENTAL ACTIVITIES OF DAILY LIVING” MEANS  
13 ACTIVITIES RELATED TO LIVING INDEPENDENTLY IN THE COMMUNITY.

14           (2) “INSTRUMENTAL ACTIVITIES OF DAILY LIVING” INCLUDES MEAL  
15 PLANNING AND PREPARATION, PERSONAL FINANCIAL MANAGEMENT, SHOPPING,  
16 HOUSEKEEPING, COMMUNICATING BY PHONE OR OTHER MEDIA, AND  
17 TRANSPORTATION.

18           (R) (1) “LONG-TERM SERVICES AND SUPPORTS” MEANS LONG-TERM  
19 CARE, TREATMENT, MAINTENANCE, OR SERVICES NEEDED TO SUPPORT THE  
20 ACTIVITIES OF DAILY LIVING AND THE INSTRUMENTAL ACTIVITIES OF DAILY LIVING  
21 FOR AN INDIVIDUAL WITH A DISABILITY, INCLUDING:

22                           (I) ANY LONG-TERM SERVICES AND SUPPORTS AVAILABLE  
23 UNDER § 1915 OF THE SOCIAL SECURITY ACT;

24                           (II) HOME- AND COMMUNITY-BASED SERVICES; AND

25                           (III) ANY ADDITIONAL SERVICES AND SUPPORTS IDENTIFIED BY  
26 THE SECRETARY TO SUPPORT INDIVIDUALS WITH DISABILITIES TO LIVE, WORK, AND  
27 PARTICIPATE IN THEIR COMMUNITIES.

28           (2) “LONG-TERM SERVICES AND SUPPORTS” DOES NOT INCLUDE  
29 SHORT-TERM REHABILITATION SERVICES, AS DEFINED BY THE BOARD.

30           (S) “MEDICAID” MEANS A PROGRAM THAT IS ONE OF THE FOLLOWING:

31                           (1) THE MARYLAND MEDICAL ASSISTANCE PROGRAM UNDER TITLE  
32 XIX OF THE SOCIAL SECURITY ACT; OR

1           **(2) THE MARYLAND CHILDREN'S HEALTH INSURANCE PROGRAM**  
2 **UNDER TITLE XXI OF THE SOCIAL SECURITY ACT.**

3           **(T) "MEDICALLY NECESSARY" MEANS THE HEALTH CARE ITEMS OR**  
4 **SERVICES:**

5           **(1) NEEDED TO PREVENT, DIAGNOSE, OR TREAT AN ILLNESS, AN**  
6 **INJURY, A CONDITION, A DISEASE, OR ITS SYMPTOMS; AND**

7           **(2) THAT MEET ACCEPTED STANDARDS OF CARE AS DETERMINED BY**  
8 **A PATIENT'S TREATING PHYSICIAN OR OTHER INDIVIDUAL HEALTH CARE PROVIDER**  
9 **WHO, ACCORDING TO THAT HEALTH CARE PROVIDER'S SCOPE OF PRACTICE AND**  
10 **LICENSURE IN THE STATE, IS AUTHORIZED TO ESTABLISH A MEDICAL DIAGNOSIS**  
11 **AND HAS MADE A MEDICAL ASSESSMENT OF THE PATIENT'S CONDITION.**

12           **(U) "MEDICARE" MEANS TITLE XVIII OF THE SOCIAL SECURITY ACT AND**  
13 **THE PROGRAMS THEREUNDER.**

14           **(V) "OUT-OF-STATE HEALTH CARE SERVICE" MEANS A HEALTH CARE**  
15 **SERVICE PROVIDED IN PERSON TO A HEALTHY MARYLAND MEMBER WHILE THE**  
16 **HEALTHY MARYLAND MEMBER IS TEMPORARILY AND PHYSICALLY LOCATED**  
17 **OUTSIDE THE STATE BECAUSE:**

18           **(1) IT IS MEDICALLY NECESSARY THAT THE HEALTH CARE SERVICE**  
19 **BE PROVIDED WHILE THE HEALTHY MARYLAND MEMBER IS PHYSICALLY OUTSIDE**  
20 **THE STATE; OR**

21           **(2) THE HEALTH CARE SERVICE:**

22                   **(I) IS CLINICALLY APPROPRIATE AND NECESSARY; AND**

23                   **(II) CAN BE PROVIDED ONLY BY A PARTICULAR HEALTH CARE**  
24 **PROVIDER PHYSICALLY LOCATED OUTSIDE THE STATE.**

25           **(W) "PARTICIPATING PROVIDER" MEANS ANY INDIVIDUAL OR ENTITY THAT**  
26 **IS A HEALTH CARE PROVIDER QUALIFIED UNDER § 25-701 OF THIS TITLE THAT**  
27 **PROVIDES HEALTH CARE SERVICES TO HEALTHY MARYLAND MEMBERS.**

28           **(X) "PRESCRIPTION DRUGS" HAS THE MEANING STATED IN § 21-201 OF**  
29 **THIS ARTICLE.**

30           **(Y) "PROVIDER OF SERVICES" HAS THE MEANING STATED IN § 1861(U) OF**

1 THE SOCIAL SECURITY ACT.

2 (Z) "RESIDENT" MEANS AN INDIVIDUAL WITHOUT REGARD TO THE  
3 INDIVIDUAL'S IMMIGRATION STATUS:

4 (1) WHOSE PRIMARY PLACE OF ABODE IS IN THE STATE; AND

5 (2) WHO MEETS THE STATE RESIDENCE REQUIREMENTS ADOPTED BY  
6 THE BOARD UNDER § 25-304(B) OF THIS TITLE.

7 (AA) "TEMPORARILY" MEANS FOR A PERIOD OF TIME THAT IS NOT MORE  
8 THAN 90 DAYS.

9 25-102.

10 (A) THE GENERAL ASSEMBLY FINDS THAT:

11 (1) ALL RESIDENTS OF THE STATE HAVE THE RIGHT TO HEALTH  
12 CARE;

13 (2) RESIDENTS OF THE STATE, AS INDIVIDUALS, EMPLOYERS, AND  
14 TAXPAYERS, HAVE EXPERIENCED:

15 (i) A RISE IN THE COST OF HEALTH CARE AND HEALTH CARE  
16 COVERAGE IN RECENT YEARS, INCLUDING RISING PREMIUMS, DEDUCTIBLES, AND  
17 COPAYS; AND

18 (ii) RESTRICTED PROVIDER NETWORKS AND HIGH  
19 OUT-OF-NETWORK CHARGES;

20 (3) BUSINESSES HAVE EXPERIENCED INCREASES IN THE COSTS OF  
21 HEALTH CARE BENEFITS FOR EMPLOYEES, AND MANY EMPLOYERS ARE SHIFTING A  
22 LARGER SHARE OF THE COST OF COVERAGE TO EMPLOYEES OR DROPPING  
23 COVERAGE ENTIRELY;

24 (4) INDIVIDUALS OFTEN ARE DEPRIVED OF AFFORDABLE CARE AND  
25 CHOICE BECAUSE OF DECISIONS BY HEALTH BENEFIT PLANS GUIDED BY THE PLANS'  
26 ECONOMIC NEEDS RATHER THAN INDIVIDUALS' HEALTH CARE NEEDS;

27 (5) TO ADDRESS THE FISCAL CRISIS FACING THE STATE AND ENSURE  
28 THAT RESIDENTS OF THE STATE MAY EXERCISE THE RESIDENTS' RIGHT TO HEALTH  
29 CARE, COMPREHENSIVE HEALTH CARE COVERAGE NEEDS TO BE PROVIDED;

1           **(6) PROFIT-MAKING HEALTH CARE PROVIDERS HAVE INCREASINGLY**  
2 **DEVASTATED THE LIVES OF THOUSANDS OF MARYLAND RESIDENTS; AND**

3           **(7) MILLIONS OF DOLLARS THAT COULD BE SPENT ON CARE TO**  
4 **MARYLAND RESIDENTS ARE DIVERTED TO PROFIT OR ARE WASTED ON**  
5 **ADMINISTRATIVE COSTS NECESSARY IN A MULTIPAYER HEALTH CARE SYSTEM.**

6           **(B) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

7           **(1) THERE BE A COMPREHENSIVE UNIVERSAL SINGLE-PAYER**  
8 **HEALTH CARE COVERAGE PROGRAM AND A HEALTH CARE COST CONTROL SYSTEM**  
9 **FOR THE BENEFIT OF ALL RESIDENTS OF THE STATE;**

10           **(2) HEALTHY MARYLAND BE ESTABLISHED TO PROVIDE**  
11 **COMPREHENSIVE UNIVERSAL HEALTH COVERAGE FOR EVERY MARYLAND**  
12 **RESIDENT AND BE FUNDED BY BROAD-BASED REVENUE;**

13           **(3) THE STATE SEEK TO OBTAIN WAIVERS AND OTHER APPROVALS**  
14 **RELATING TO MEDICAID, MEDICARE, THE AFFORDABLE CARE ACT, AND ANY**  
15 **OTHER FEDERAL PROGRAMS RELATED TO THE PROVISION OF HEALTH CARE SO**  
16 **THAT ANY FEDERAL FUNDS AND OTHER SUBSIDIES THAT WOULD OTHERWISE BE**  
17 **PAID TO THE STATE, STATE RESIDENTS, AND HEALTH CARE PROVIDERS ARE PAID**  
18 **BY THE FEDERAL GOVERNMENT TO THE STATE AND DEPOSITED IN THE HEALTHY**  
19 **MARYLAND TRUST FUND;**

20           **(4) THE STATE WORK TO INCORPORATE HEALTH CARE COVERAGE OF**  
21 **STATE RESIDENTS WHO ARE EMPLOYED IN OTHER JURISDICTIONS INTO WAIVERS**  
22 **AND OTHER APPROVALS RELATING TO MEDICAID, MEDICARE, THE AFFORDABLE**  
23 **CARE ACT, AND ANY OTHER FEDERAL PROGRAMS RELATED TO THE PROVISION OF**  
24 **HEALTH CARE;**

25           **(5) ANY FUNDS OBTAINED UNDER WAIVERS AND APPROVALS**  
26 **RELATING TO MEDICAID, MEDICARE, THE AFFORDABLE CARE ACT, AND ANY**  
27 **OTHER FEDERAL PROGRAMS RELATED TO THE PROVISION OF HEALTH CARE BE**  
28 **USED:**

29           **(I) FOR HEALTH COVERAGE THAT PROVIDES HEALTH**  
30 **BENEFITS EQUAL TO OR EXCEEDING THOSE PROGRAMS; AND**

31           **(II) TO ELIMINATE ANY COST-SHARING OR INSURANCE**  
32 **PREMIUM OBLIGATIONS OF RESIDENTS OF THE STATE;**

33           **(6) (I) HEALTHY MARYLAND REPLACE MEDICAID, MEDICARE,**

1 THE AFFORDABLE CARE ACT, AND ANY OTHER FEDERAL PROGRAMS RELATED TO  
2 THE PROVISION OF HEALTH CARE; AND

3 (ii) THOSE PROGRAMS BE MERGED INTO HEALTHY MARYLAND,  
4 WHICH WILL OPERATE AS A TRUE SINGLE-PAYER PROGRAM;

5 (7) IF ANY NECESSARY WAIVERS OR APPROVALS ARE NOT OBTAINED,  
6 THE STATE USE STATE PLAN AMENDMENTS AND SEEK WAIVERS AND APPROVALS TO  
7 MAXIMIZE, AND MAKE AS SEAMLESS AS POSSIBLE, THE USE OF FUNDING FROM  
8 FEDERALLY MATCHED PUBLIC HEALTH PROGRAMS AND OTHER FEDERAL HEALTH  
9 PROGRAMS IN HEALTHY MARYLAND;

10 (8) IF PROGRAMS SUCH AS MEDICAID OR MEDICARE CONTRIBUTE TO  
11 PAYING FOR HEALTH CARE SERVICES:

12 (i) HEALTH CARE COVERAGE BE DELIVERED BY HEALTHY  
13 MARYLAND; AND

14 (ii) TO THE GREATEST EXTENT POSSIBLE, THE MULTIPLE  
15 SOURCES OF FUNDING:

16 1. BE POOLED WITH OTHER HEALTHY MARYLAND  
17 FUNDS; AND

18 2. NOT BE APPARENT TO HEALTHY MARYLAND  
19 MEMBERS OR PARTICIPATING PROVIDERS;

20 (9) THIS TITLE ADDRESS THE HIGH COST OF PRESCRIPTION DRUGS  
21 AND ENSURE THAT PRESCRIPTION DRUGS ARE AFFORDABLE FOR PATIENTS;

22 (10) NEITHER HEALTH INFORMATION TECHNOLOGY NOR CLINICAL  
23 PRACTICE GUIDELINES LIMIT THE EFFECTIVE EXERCISE OF THE PROFESSIONAL  
24 JUDGMENT OF PHYSICIANS, REGISTERED NURSES, AND OTHER LICENSED HEALTH  
25 CARE PROVIDERS;

26 (11) PHYSICIANS, REGISTERED NURSES, AND OTHER LICENSED  
27 HEALTH CARE PROVIDERS MAY OVERRIDE HEALTH INFORMATION TECHNOLOGY  
28 AND CLINICAL PRACTICE GUIDELINES IF THE OVERRIDE:

29 (i) IS CONSISTENT WITH THE TREATING PHYSICIAN'S  
30 DETERMINATION OF MEDICAL NECESSITY; AND

31 (ii) IN THE PROFESSIONAL JUDGMENT OF THE PHYSICIAN OR

1 REGISTERED NURSE, IS IN THE BEST INTEREST OF THE PATIENT AND CONSISTENT  
2 WITH THE PATIENT'S WISHES;

3 (12) (I) LEGISLATION BE ENACTED TO DEVELOP A REVENUE PLAN  
4 FOR HEALTHY MARYLAND, TAKING INTO CONSIDERATION ANTICIPATED FEDERAL  
5 REVENUE AVAILABLE FOR HEALTHY MARYLAND; AND

6 (II) IN DEVELOPING THE REVENUE PLAN, THE GOVERNOR AND  
7 THE GENERAL ASSEMBLY CONSULT WITH APPROPRIATE OFFICIALS AND  
8 STAKEHOLDERS; AND

9 (13) LEGISLATION BE ENACTED REQUIRING THAT ALL STATE  
10 REVENUES FROM HEALTHY MARYLAND BE DEPOSITED IN AN ACCOUNT WITHIN THE  
11 HEALTHY MARYLAND TRUST FUND TO BE KNOWN AS THE HEALTHY MARYLAND  
12 TRUST FUND ACCOUNT.

13 25-103.

14 (A) THIS TITLE MAY NOT BE CONSTRUED TO CREATE ANY EMPLOYMENT  
15 BENEFIT, OR TO REQUIRE, PROHIBIT, OR LIMIT THE PROVISION OF ANY  
16 EMPLOYMENT BENEFIT.

17 (B) THIS TITLE DOES NOT CHANGE OR IMPACT IN ANY WAY THE ROLE OR  
18 AUTHORITY OF ANY LICENSING BOARD OR STATE AGENCY THAT REGULATES THE  
19 STANDARDS FOR OR PROVISION OF HEALTH CARE AND THE STANDARDS FOR  
20 HEALTH CARE PROVIDERS AS ESTABLISHED UNDER STATE LAW AS OF JANUARY 1,  
21 2023, INCLUDING:

22 (1) THE HEALTH OCCUPATIONS ARTICLE; AND

23 (2) TITLE 19 OF THIS ARTICLE.

24 (C) THIS TITLE DOES NOT AUTHORIZE HEALTHY MARYLAND, THE BOARD,  
25 OR THE SECRETARY TO ESTABLISH OR REVISE LICENSURE STANDARDS FOR HEALTH  
26 CARE PROVIDERS.

27 (D) THIS TITLE DOES NOT AUTHORIZE HEALTHY MARYLAND TO CARRY OUT  
28 ANY FUNCTION NOT AUTHORIZED BY WAIVERS.

29 (E) THIS TITLE MAY NOT BE CONSTRUED TO PREEMPT OR PREVAIL OVER  
30 ANY CITY, COUNTY, OR OTHER LOCAL GOVERNMENT ORDINANCE, RESOLUTION,  
31 LAW, OR RULE THAT PROVIDES MORE PROTECTIONS AND BENEFITS TO RESIDENTS  
32 OF THE STATE THAN PROVIDED UNDER THIS TITLE.

1 **25-104.**

2 (A) HEALTHY MARYLAND OR ANY STATE AGENCY, LOCAL AGENCY, OR  
3 PUBLIC EMPLOYEE ACTING ON BEHALF OF HEALTHY MARYLAND MAY NOT PROVIDE  
4 OR DISCLOSE TO ANYONE, INCLUDING THE FEDERAL GOVERNMENT, FOR LAW  
5 ENFORCEMENT PURPOSES ANY PERSONALLY IDENTIFIABLE INFORMATION  
6 OBTAINED ABOUT AN INDIVIDUAL, INCLUDING AN INDIVIDUAL'S RELIGIOUS  
7 BELIEFS, PRACTICES, OR AFFILIATION, NATIONAL ORIGIN, ETHNICITY, OR  
8 IMMIGRATION STATUS.

9 (B) A LAW ENFORCEMENT AGENCY IN THE STATE MAY NOT USE HEALTHY  
10 MARYLAND FUNDS, FACILITIES, PROPERTY, EQUIPMENT, OR PERSONNEL TO  
11 INVESTIGATE, ENFORCE, OR ASSIST IN THE INVESTIGATION OR ENFORCEMENT OF  
12 ANY CRIMINAL, CIVIL, OR ADMINISTRATIVE VIOLATION OR WARRANT FOR A  
13 VIOLATION OF ANY REQUIREMENT THAT INDIVIDUALS REGISTER WITH THE  
14 FEDERAL GOVERNMENT OR ANY FEDERAL AGENCY BASED ON RELIGION, NATIONAL  
15 ORIGIN, ETHNICITY, IMMIGRATION STATUS, OR OTHER PROTECTED CATEGORY  
16 UNDER § 20-304 OF THE STATE GOVERNMENT ARTICLE.

17 SUBTITLE 2. HEALTHY MARYLAND PROGRAM.

18 **25-201.**

19 (A) THERE IS A HEALTHY MARYLAND PROGRAM.

20 (B) (1) HEALTHY MARYLAND IS A BODY POLITIC AND CORPORATE AND IS  
21 AN INSTRUMENTALITY OF THE STATE.

22 (2) HEALTHY MARYLAND IS A PUBLIC CORPORATION AND A UNIT OF  
23 STATE GOVERNMENT.

24 (3) THE EXERCISE BY HEALTHY MARYLAND OF ITS AUTHORITY  
25 UNDER THIS TITLE IS AN ESSENTIAL GOVERNMENTAL FUNCTION.

26 (C) ON OR BEFORE JANUARY 1, 2025, HEALTHY MARYLAND SHALL:

27 (1) PROVIDE:

28 (I) COMPREHENSIVE UNIVERSAL SINGLE-PAYER HEALTH  
29 CARE SERVICES FOR ALL RESIDENTS OF THE STATE;

30 (II) A HEALTH CARE COST CONTROL SYSTEM FOR THE BENEFIT

1 OF ALL RESIDENTS OF THE STATE;

2 (III) CHOICE AND ACCESS TO HEALTH CARE COORDINATORS  
3 AND HEALTH CARE PROVIDERS TO ALL RESIDENTS OF THE STATE; AND

4 (IV) BROAD-BASED PUBLIC FINANCING OF HEALTH CARE  
5 SERVICES FOR ALL RESIDENTS OF THE STATE; AND

6 (2) ESTABLISH MECHANISMS TO:

7 (I) ENABLE HEALTH CARE PROVIDERS TO COLLECTIVELY  
8 NEGOTIATE WITH HEALTHY MARYLAND REGARDING ANY MATTER RELATING TO  
9 HEALTHY MARYLAND, INCLUDING:

10 1. RATES OF PAYMENT FOR HEALTH CARE SERVICES;

11 2. RATES OF PAYMENT FOR PRESCRIPTION AND  
12 NONPRESCRIPTION DRUGS; AND

13 3. PAYMENT METHODOLOGIES;

14 (II) ENSURE TRANSPARENCY AND ACCOUNTABILITY TO THE  
15 PUBLIC; AND

16 (III) PROVIDE FOR THE COLLECTION OF DATA TO:

17 1. PROMOTE TRANSPARENCY;

18 2. ASSESS ADHERENCE TO PATIENT CARE STANDARDS  
19 ESTABLISHED UNDER SUBTITLE 9 OF THIS TITLE; AND

20 3. COMPARE PATIENT OUTCOMES AND REVIEW  
21 UTILIZATION OF HEALTH CARE SERVICES PAID FOR BY HEALTHY MARYLAND.

22 (D) HEALTHY MARYLAND IS SUBJECT TO:

23 (1) TITLES 3, 4, AND 5 OF THE GENERAL PROVISIONS ARTICLE;

24 (2) THE FOLLOWING PROVISIONS OF THE STATE FINANCE AND  
25 PROCUREMENT ARTICLE:

26 (I) TITLE 3.5, SUBTITLE 3, TO THE EXTENT THAT THE  
27 SECRETARY OF INFORMATION TECHNOLOGY DETERMINES THAT AN INFORMATION

1 TECHNOLOGY PROJECT OF HEALTHY MARYLAND IS A MAJOR INFORMATION  
2 TECHNOLOGY DEVELOPMENT PROJECT;

3 (II) TITLE 12, SUBTITLE 4; AND

4 (III) TITLE 14, SUBTITLE 3;

5 (3) THE FOLLOWING PROVISIONS OF THE STATE GOVERNMENT  
6 ARTICLE:

7 (I) TITLE 10, SUBTITLE 1; AND

8 (II) TITLE 12; AND

9 (4) TITLE 5, SUBTITLE 3 OF THE STATE PERSONNEL AND PENSIONS  
10 ARTICLE.

11 SUBTITLE 3. HEALTHY MARYLAND BOARD.

12 25-301.

13 (A) THERE IS A HEALTHY MARYLAND BOARD.

14 (B) THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:

15 (1) THE SECRETARY, OR THE SECRETARY'S DESIGNEE, AS AN EX  
16 OFFICIO MEMBER OF THE BOARD;

17 (2) FOUR MEMBERS APPOINTED BY THE GOVERNOR, WITH THE  
18 ADVICE AND CONSENT OF THE SENATE;

19 (3) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;  
20 AND

21 (4) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE.

22 (C) (1) THE TERM OF AN APPOINTED MEMBER IS 4 YEARS.

23 (2) THE TERMS OF APPOINTED MEMBERS ARE STAGGERED AS  
24 REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1,  
25 2023.

26 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL

1 A SUCCESSOR IS APPOINTED AND QUALIFIES.

2 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
3 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
4 QUALIFIES.

5 (5) (I) IF A VACANCY OCCURS AMONG THE MEMBERS APPOINTED  
6 BY THE GOVERNOR, THE GOVERNOR SHALL PROMPTLY APPOINT A SUCCESSOR WHO  
7 SHALL SERVE UNTIL THE TERM EXPIRES.

8 (II) A MEMBER APPOINTED UNDER SUBPARAGRAPH (I) OF THIS  
9 PARAGRAPH MAY BE REAPPOINTED FOR A FULL TERM.

10 (6) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE  
11 TERMS.

12 (7) FROM AMONG ITS MEMBERS, THE BOARD SHALL ELECT A CHAIR  
13 AND VICE CHAIR EACH YEAR.

14 (D) IN APPOINTING MEMBERS UNDER SUBSECTION (B) OF THIS SECTION,  
15 THE APPOINTING AUTHORITY SHALL:

16 (1) ENSURE THAT THE APPOINTEE HAS DEMONSTRATED AND  
17 ACKNOWLEDGED EXPERTISE IN HEALTH CARE;

18 (2) CONSIDER THE EXPERTISE OF THE OTHER MEMBERS OF THE  
19 BOARD AND ATTEMPT TO MAKE APPOINTMENTS SO THAT THE BOARD'S  
20 COMPOSITION REFLECTS A DIVERSITY OF EXPERTISE IN VARIOUS ASPECTS OF  
21 HEALTH CARE;

22 (3) CONSIDER THE CULTURAL, ETHNIC, AND GEOGRAPHICAL  
23 DIVERSITY OF THE STATE SO THAT THE BOARD'S COMPOSITION REFLECTS THE  
24 COMMUNITIES OF THE STATE; AND

25 (4) ENSURE THAT THE BOARD'S COMPOSITION INCLUDES:

26 (I) AT LEAST ONE REPRESENTATIVE OF A LABOR  
27 ORGANIZATION REPRESENTING REGISTERED NURSES;

28 (II) AT LEAST ONE REPRESENTATIVE OF THE GENERAL PUBLIC;

29 (III) AT LEAST ONE REPRESENTATIVE OF A LABOR  
30 ORGANIZATION; AND

1 (IV) AT LEAST ONE REPRESENTATIVE OF THE MEDICAL  
2 PROVIDER COMMUNITY.

3 (E) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
4 MEANINGS INDICATED.

5 (II) "AFFILIATION" MEANS:

6 1. A FINANCIAL INTEREST;

7 2. A POSITION OF GOVERNANCE, INCLUDING  
8 MEMBERSHIP ON A BOARD OF DIRECTORS, REGARDLESS OF COMPENSATION;

9 3. A RELATIONSHIP THROUGH WHICH COMPENSATION  
10 IS RECEIVED; OR

11 4. A RELATIONSHIP FOR THE PROVISION OF SERVICES  
12 AS A REGULATED LOBBYIST.

13 (III) "COMPENSATION" HAS THE MEANING STATED IN § 5-101 OF  
14 THE GENERAL PROVISIONS ARTICLE.

15 (IV) "FINANCIAL INTEREST" HAS THE MEANING STATED IN §  
16 5-101 OF THE GENERAL PROVISIONS ARTICLE.

17 (V) "REGULATED LOBBYIST" HAS THE MEANING STATED IN §  
18 5-101 OF THE GENERAL PROVISIONS ARTICLE.

19 (2) A MEMBER OF THE BOARD OR STAFF MEMBER FOR THE BOARD,  
20 WITHIN THE 2-YEAR PERIOD IMMEDIATELY PRECEDING THE MEMBER'S  
21 APPOINTMENT OR THE STAFF MEMBER HAVING BEEN HIRED, AND WHILE SERVING  
22 ON OR WORKING FOR THE BOARD, MAY NOT BE EMPLOYED, OR HAVE BEEN  
23 EMPLOYED, IN ANY CAPACITY BY A CONSULTANT TO A MEMBER OF THE BOARD OF  
24 DIRECTORS OF, HAVE AN AFFILIATION WITH, OR OTHERWISE BE A REPRESENTATIVE  
25 OF:

26 (I) A HEALTH CARE PROVIDER;

27 (II) A HEALTH CARE FACILITY;

28 (III) A HEALTH CLINIC;

1 (IV) A PHARMACEUTICAL COMPANY;

2 (V) A MEDICAL EQUIPMENT COMPANY; OR

3 (VI) A CARRIER, AN INSURANCE PRODUCER, A THIRD-PARTY  
4 ADMINISTRATOR, A MANAGED CARE ORGANIZATION, OR ANY OTHER PERSON  
5 CONTRACTING DIRECTLY WITH THOSE PERSONS.

6 (3) A MEMBER OF THE BOARD MAY NOT ACCEPT EMPLOYMENT WITH  
7 OR RECEIVE COMPENSATION FROM A PERSON LISTED IN PARAGRAPH (2) OF THIS  
8 SUBSECTION FOR 2 YEARS IMMEDIATELY FOLLOWING THE END OF THE MEMBER'S  
9 TERM.

10 (4) A MEMBER OF THE BOARD OR A STAFF MEMBER OF THE BOARD  
11 MAY NOT BE A MEMBER, A BOARD MEMBER, OR AN EMPLOYEE OF A TRADE  
12 ASSOCIATION OF HEALTH FACILITIES, HEALTH CLINICS, HEALTH CARE PROVIDERS,  
13 CARRIERS, INSURANCE PRODUCERS, THIRD-PARTY ADMINISTRATORS, MANAGED  
14 CARE ORGANIZATIONS, OR ANY OTHER ASSOCIATION OF ENTITIES IN A POSITION TO  
15 CONTRACT DIRECTLY WITH HEALTHY MARYLAND UNLESS THE MEMBER OR STAFF  
16 MEMBER OF THE BOARD:

17 (I) RECEIVES NO COMPENSATION FOR RENDERING SERVICES  
18 AS A HEALTH CARE PROVIDER; AND

19 (II) DOES NOT HAVE AN OWNERSHIP INTEREST IN A HEALTH  
20 CARE PRACTICE.

21 (F) A MEMBER OF THE BOARD SHALL:

22 (1) MEET THE REQUIREMENTS OF THIS TITLE AND ALL APPLICABLE  
23 STATE AND FEDERAL LAWS AND REGULATIONS;

24 (2) SERVE THE PUBLIC INTEREST OF THE INDIVIDUALS, EMPLOYERS,  
25 AND TAXPAYERS SEEKING HEALTH CARE COVERAGE THROUGH HEALTHY  
26 MARYLAND; AND

27 (3) ENSURE THE SOUND OPERATION AND FISCAL SOLVENCY OF  
28 HEALTHY MARYLAND.

29 (G) (1) THE BOARD SHALL DETERMINE THE TIMES, PLACES, AND  
30 FREQUENCY OF ITS MEETINGS.

31 (2) FIVE MEMBERS OF THE BOARD CONSTITUTE A QUORUM.

1           **(3) ACTION BY THE BOARD REQUIRES THE AFFIRMATIVE VOTE OF AT**  
2 **LEAST FIVE MEMBERS.**

3           **(H) A MEMBER OF THE BOARD:**

4           **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;**  
5 **BUT**

6           **(2) IS ENTITLED TO:**

7           **(i) A PER DIEM RATE AS PROVIDED IN THE STATE BUDGET FOR**  
8 **ATTENDING SCHEDULED MEETINGS OF HEALTHY MARYLAND; AND**

9           **(ii) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD**  
10 **STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

11           **(I) A MEMBER OF THE BOARD SHALL PERFORM THE MEMBER'S DUTIES:**

12           **(1) IN GOOD FAITH;**

13           **(2) IN THE MANNER THE MEMBER REASONABLY BELIEVES TO BE IN**  
14 **THE BEST INTEREST OF HEALTHY MARYLAND, HEALTHY MARYLAND MEMBERS,**  
15 **AND RESIDENTS OF THE STATE; AND**

16           **(3) WITHOUT INTENTIONAL OR RECKLESS DISREGARD OF THE CARE**  
17 **AN ORDINARILY PRUDENT PERSON IN A LIKE POSITION WOULD USE UNDER SIMILAR**  
18 **CIRCUMSTANCES.**

19           **(J) (1) (i) A MEMBER OF THE BOARD SHALL BE SUBJECT TO TITLE 5,**  
20 **SUBTITLES 1 THROUGH 7 OF THE GENERAL PROVISIONS ARTICLE.**

21           **(ii) IN ADDITION TO THE DISCLOSURE REQUIRED UNDER TITLE**  
22 **5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE, A MEMBER OF THE BOARD**  
23 **SHALL DISCLOSE TO THE BOARD AND TO THE PUBLIC ANY RELATIONSHIP NOT**  
24 **ADDRESSED IN THE REQUIRED FINANCIAL DISCLOSURE THAT THE MEMBER HAS**  
25 **WITH A HEALTH CARE PROVIDER, A HEALTH CLINIC, A PHARMACEUTICAL COMPANY,**  
26 **A MEDICAL EQUIPMENT COMPANY, A CARRIER, AN INSURANCE PRODUCER, A**  
27 **THIRD-PARTY ADMINISTRATOR, A MANAGED CARE ORGANIZATION, OR ANY OTHER**  
28 **ENTITY IN AN INDUSTRY INVOLVED IN MATTERS LIKELY TO COME BEFORE THE**  
29 **BOARD.**

30           **(2) ON ALL MATTERS THAT COME BEFORE THE BOARD, THE MEMBER**

1 SHALL:

2 (I) ADHERE STRICTLY TO THE CONFLICT OF INTEREST  
3 PROVISIONS UNDER TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE  
4 RELATING TO RESTRICTIONS ON PARTICIPATION, EMPLOYMENT, AND FINANCIAL  
5 INTERESTS; AND

6 (II) PROVIDE FULL DISCLOSURE TO THE BOARD AND THE  
7 PUBLIC ON:

8 1. ANY MATTER THAT GIVES RISE TO A POTENTIAL  
9 CONFLICT OF INTEREST; AND

10 2. THE MANNER IN WHICH THE MEMBER WILL COMPLY  
11 WITH THE PROVISIONS OF TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS  
12 ARTICLE TO AVOID ANY CONFLICT OF INTEREST OR APPEARANCE OF A CONFLICT  
13 OF INTEREST.

14 (K) A MEMBER OF THE BOARD WHO PERFORMS THE MEMBER'S DUTIES IN  
15 ACCORDANCE WITH THE STANDARD ESTABLISHED UNDER SUBSECTION (I) OF THIS  
16 SECTION MAY NOT BE LIABLE PERSONALLY FOR ACTIONS TAKEN AS A MEMBER  
17 WHEN DONE IN GOOD FAITH, WITHOUT INTENT TO DEFRAUD, AND IN CONNECTION  
18 WITH THE ADMINISTRATION, MANAGEMENT, OR CONDUCT OF THIS TITLE OR  
19 ACTIONS RELATED TO THIS TITLE.

20 (L) A MEMBER OF THE BOARD MAY BE REMOVED FOR INCOMPETENCE,  
21 MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

22 25-302.

23 (A) (1) THE BOARD SHALL APPOINT AN EXECUTIVE DIRECTOR OF  
24 HEALTHY MARYLAND.

25 (2) THE EXECUTIVE DIRECTOR SHALL SERVE AT THE PLEASURE OF  
26 THE BOARD.

27 (3) THE BOARD SHALL DETERMINE THE APPROPRIATE  
28 COMPENSATION FOR THE EXECUTIVE DIRECTOR.

29 (B) UNDER THE DIRECTION OF THE BOARD, THE EXECUTIVE DIRECTOR  
30 SHALL:

31 (1) BE THE CHIEF ADMINISTRATIVE OFFICER OF HEALTHY

1 MARYLAND, INCLUDING THE HEALTHY MARYLAND TRUST FUND;

2 (2) DIRECT, ORGANIZE, ADMINISTER, AND MANAGE THE OPERATIONS  
3 OF HEALTHY MARYLAND AND THE BOARD; AND

4 (3) PERFORM ALL DUTIES NECESSARY TO COMPLY WITH AND CARRY  
5 OUT THE PROVISIONS OF THIS TITLE, OTHER APPLICABLE STATE LAWS AND  
6 REGULATIONS, AND THE AFFORDABLE CARE ACT.

7 (C) (1) IN ACCORDANCE WITH THE STATE BUDGET, THE EXECUTIVE  
8 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY EMPLOY AND RETAIN  
9 A STAFF FOR HEALTHY MARYLAND TO IMPLEMENT THE PURPOSES AND INTENT OF  
10 THIS TITLE.

11 (2) (I) THE EXECUTIVE DIRECTOR MAY SET THE COMPENSATION  
12 OF A HEALTHY MARYLAND EMPLOYEE OR AN INDEPENDENT CONTRACTOR OF  
13 HEALTHY MARYLAND WHO IS IN A POSITION THAT:

14 1. IS UNIQUE TO HEALTHY MARYLAND;

15 2. REQUIRES SPECIFIC SKILLS OR EXPERIENCE TO  
16 PERFORM THE DUTIES OF THE POSITION; AND

17 3. DOES NOT REQUIRE THE EMPLOYEE TO PERFORM  
18 FUNCTIONS THAT ARE COMPARABLE TO FUNCTIONS PERFORMED IN OTHER UNITS  
19 OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT.

20 (II) THE SECRETARY OF BUDGET AND MANAGEMENT, IN  
21 CONSULTATION WITH THE EXECUTIVE DIRECTOR, SHALL DETERMINE THE  
22 POSITIONS AND TYPES OF INDEPENDENT CONTRACTORS FOR WHICH THE  
23 EXECUTIVE DIRECTOR MAY SET COMPENSATION UNDER SUBPARAGRAPH (I) OF  
24 THIS PARAGRAPH.

25 (3) IN HIRING STAFF FOR FUNCTIONS THAT MUST BE PERFORMED BY  
26 STATE PERSONNEL UNDER THE AFFORDABLE CARE ACT OR OTHER APPLICABLE  
27 FEDERAL OR STATE LAWS, THE EXECUTIVE DIRECTOR'S APPOINTMENT,  
28 RETENTION, AND REMOVAL OF STAFF SHALL BE IN ACCORDANCE WITH DIVISION I  
29 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

30 (4) IN HIRING STAFF FOR FUNCTIONS THAT HAVE BEEN AND  
31 CURRENTLY ARE PERFORMED BY STATE PERSONNEL, THE EXECUTIVE DIRECTOR'S  
32 APPOINTMENT, RETENTION, AND REMOVAL OF STAFF SHALL BE IN ACCORDANCE  
33 WITH DIVISION I OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

1           **(5) EXCEPT AS PROVIDED IN PARAGRAPH (6) OF THIS SUBSECTION,**  
2 **STAFF FOR ALL OTHER POSITIONS NECESSARY TO CARRY OUT THE PURPOSES OF**  
3 **THIS TITLE SHALL BE POSITIONS IN THE EXECUTIVE SERVICE OR MANAGEMENT**  
4 **SERVICE, OR SPECIAL APPOINTMENTS OF THE SKILLED SERVICE OR THE**  
5 **PROFESSIONAL SERVICE IN THE STATE PERSONNEL MANAGEMENT SYSTEM.**

6           **(6) THE EXECUTIVE DIRECTOR MAY RETAIN AS INDEPENDENT**  
7 **CONTRACTORS ATTORNEYS, FINANCIAL CONSULTANTS, AND ANY OTHER**  
8 **PROFESSIONALS OR CONSULTANTS NECESSARY TO CARRY OUT THE PLANNING,**  
9 **DEVELOPMENT, AND OPERATIONS OF HEALTHY MARYLAND, AND THE PROVISIONS**  
10 **OF THIS TITLE.**

11           **(7) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S**  
12 **DESIGNEE, SHALL GIVE PREFERENCE IN HIRING UNDER THIS SUBSECTION TO ALL**  
13 **INDIVIDUALS DISPLACED OR UNEMPLOYED AS A DIRECT RESULT OF THE**  
14 **IMPLEMENTATION OF HEALTHY MARYLAND.**

15           **(D) THE EXECUTIVE DIRECTOR SHALL DETERMINE THE CLASSIFICATION,**  
16 **GRADE, AND COMPENSATION OF THE POSITIONS DESIGNATED UNDER SUBSECTION**  
17 **(C)(2) OF THIS SECTION:**

18           **(1) IN CONSULTATION WITH THE SECRETARY OF BUDGET AND**  
19 **MANAGEMENT;**

20           **(2) WITH THE APPROVAL OF THE BOARD; AND**

21           **(3) WHEN POSSIBLE, IN ACCORDANCE WITH THE STATE PAY PLAN.**

22           **(E) (1) THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE SECRETARY**  
23 **OF BUDGET AND MANAGEMENT, AT LEAST 45 DAYS BEFORE THE EFFECTIVE DATE**  
24 **OF THE CHANGE, EACH CHANGE TO HEALTHY MARYLAND'S SALARY PLANS THAT**  
25 **INVOLVES INCREASES OR DECREASES IN SALARY RANGES OTHER THAN THOSE**  
26 **ASSOCIATED WITH ROUTINE RECLASSIFICATIONS AND PROMOTIONS OR GENERAL**  
27 **SALARY INCREASES APPROVED BY THE GENERAL ASSEMBLY.**

28           **(2) CHANGES REQUIRED TO BE REPORTED UNDER PARAGRAPH (1) OF**  
29 **THIS SUBSECTION INCLUDE:**

30           **(I) THE CREATION OR ABOLITION OF CLASSES;**

31           **(II) THE REGRADING OF CLASSES FROM ONE ESTABLISHED**  
32 **RANGE TO ANOTHER; AND**

1 (III) THE CREATION OF NEW PAY SCHEDULES OR RANGES.

2 (3) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL:

3 (I) REVIEW THE PROPOSED CHANGE; AND

4 (II) AT LEAST 15 DAYS BEFORE THE EFFECTIVE DATE OF THE  
5 PROPOSED CHANGE:

6 1. ADVISE THE EXECUTIVE DIRECTOR WHETHER THE  
7 CHANGE WOULD HAVE AN ADVERSE EFFECT ON COMPARABLE STATE JOBS; AND

8 2. IF THERE WOULD BE AN ADVERSE EFFECT,  
9 RECOMMEND AN ALTERNATIVE CHANGE THAT WOULD NOT HAVE AN ADVERSE  
10 EFFECT ON COMPARABLE STATE JOBS.

11 (4) FAILURE OF THE SECRETARY OF BUDGET AND MANAGEMENT TO  
12 RESPOND TO THE PROPOSED CHANGE IN A TIMELY MANNER SHALL BE CONSIDERED  
13 TO BE AGREEMENT WITH THE CHANGE AS SUBMITTED.

14 (F) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN EMPLOYEE OR  
15 INDEPENDENT CONTRACTOR OF HEALTHY MARYLAND IS NOT SUBJECT TO ANY LAW,  
16 REGULATION, OR EXECUTIVE ORDER GOVERNING STATE COMPENSATION,  
17 INCLUDING:

18 (1) FURLOUGHS;

19 (2) PAY CUTS; AND

20 (3) ANY OTHER GENERAL FUND COST-SAVINGS MEASURE.

21 25-303.

22 (A) SUBJECT TO ANY LIMITATIONS UNDER THIS TITLE OR OTHER  
23 APPLICABLE LAW, THE BOARD SHALL HAVE ALL POWERS NECESSARY OR  
24 CONVENIENT TO CARRY OUT THE FUNCTIONS AUTHORIZED BY THE AFFORDABLE  
25 CARE ACT AND CONSISTENT WITH THE PURPOSES OF HEALTHY MARYLAND.

26 (B) THE ENUMERATION OF SPECIFIC POWERS IN THIS TITLE IS NOT  
27 INTENDED TO RESTRICT THE BOARD'S POWER TO TAKE ANY LAWFUL ACTION THAT  
28 THE BOARD DETERMINES IS NECESSARY OR CONVENIENT TO CARRY OUT THE  
29 FUNCTIONS AUTHORIZED BY THE AFFORDABLE CARE ACT AND CONSISTENT WITH

1 THE PURPOSES OF HEALTHY MARYLAND.

2 (C) IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE,  
3 THE BOARD MAY:

4 (1) ADOPT AND ALTER AN OFFICIAL SEAL;

5 (2) ORGANIZE, ADMINISTER, AND MARKET HEALTHY MARYLAND AND  
6 HEALTHY MARYLAND SERVICES AS A SINGLE-PAYER PROGRAM UNDER THE NAME  
7 "HEALTHY MARYLAND" OR ANY OTHER NAME AS THE BOARD DETERMINES;

8 (3) SUE, BE SUED, PLEAD, AND BE IMPEADED;

9 (4) ADOPT BYLAWS, RULES, AND POLICIES;

10 (5) ADOPT REGULATIONS TO CARRY OUT THIS TITLE:

11 (i) IN ACCORDANCE WITH TITLE 10, SUBTITLE 1 OF THE STATE  
12 GOVERNMENT ARTICLE; AND

13 (ii) THAT DO NOT CONFLICT WITH OR PREVENT THE  
14 APPLICATION OF REGULATIONS ADOPTED BY THE U.S. SECRETARY OF HEALTH AND  
15 HUMAN SERVICES UNDER TITLE 1, SUBTITLE D OF THE AFFORDABLE CARE ACT;

16 (6) MAINTAIN AN OFFICE AT THE PLACE DESIGNATED BY THE BOARD;

17 (7) CREATE COMMITTEES FROM AMONG ITS MEMBERS;

18 (8) MAKE AGREEMENTS WITH A GRANTOR OR PAYOR OF FUNDS,  
19 PROPERTY, OR SERVICES;

20 (9) ENTER INTO ANY AGREEMENTS OR CONTRACTS AND EXECUTE  
21 THE INSTRUMENTS NECESSARY OR CONVENIENT TO MANAGE ITS OWN AFFAIRS AND  
22 CARRY OUT THE PURPOSES OF THIS TITLE, INCLUDING CONTRACTS WITH HEALTH  
23 CARE PROVIDERS;

24 (10) APPLY FOR AND RECEIVE GIFTS, GRANTS, DONATIONS,  
25 CONTRACTS, OR OTHER FUNDING FROM ANY AGENCY OF THE FEDERAL  
26 GOVERNMENT, ANY AGENCY OF THE STATE, AND ANY MUNICIPALITY, COUNTY, OR  
27 OTHER POLITICAL SUBDIVISION OF THE STATE;

28 (11) APPLY FOR AND RECEIVE GIFTS, GRANTS, DONATIONS,  
29 CONTRACTS, OR OTHER PRIVATE OR PUBLIC FUNDING FROM INDIVIDUALS,

1 ASSOCIATIONS, PRIVATE FOUNDATIONS, AND CORPORATIONS, IN COMPLIANCE  
2 WITH TITLE 5, SUBTITLES 1 THROUGH 7 OF THE GENERAL PROVISIONS ARTICLE;

3 (12) SHARE INFORMATION WITH RELEVANT STATE ENTITIES,  
4 CONSISTENT WITH THE CONFIDENTIALITY PROVISIONS IN THIS TITLE AND AS  
5 NECESSARY FOR THE ADMINISTRATION OF HEALTHY MARYLAND; AND

6 (13) SUBJECT TO THE LIMITATIONS OF THIS TITLE, EXERCISE ANY  
7 OTHER POWER THAT IS REASONABLY NECESSARY OR CONVENIENT TO CARRY OUT  
8 THE PURPOSES OF THIS TITLE.

9 (D) (1) TO CARRY OUT THE PURPOSES OF THIS TITLE OR PERFORM ANY  
10 OF ITS FUNCTIONS UNDER THIS TITLE, THE BOARD MAY CONTRACT OR ENTER INTO  
11 MEMORANDA OF UNDERSTANDING WITH ELIGIBLE ENTITIES.

12 (2) THE OPERATIONS OF HEALTHY MARYLAND ARE SUBJECT TO THE  
13 PROVISIONS OF THIS TITLE WHETHER THE OPERATIONS ARE PERFORMED DIRECTLY  
14 BY HEALTHY MARYLAND OR THROUGH AN ENTITY UNDER A CONTRACT WITH  
15 HEALTHY MARYLAND.

16 (3) THE BOARD SHALL ENSURE THAT ANY ENTITY UNDER A  
17 CONTRACT WITH HEALTHY MARYLAND COMPLIES WITH THE PROVISIONS OF THIS  
18 TITLE WHEN PERFORMING SERVICES THAT ARE SUBJECT TO THIS TITLE ON BEHALF  
19 OF HEALTHY MARYLAND.

20 (E) (1) IN ACCORDANCE WITH TITLE 12, SUBTITLE 4 OF THE STATE  
21 FINANCE AND PROCUREMENT ARTICLE, THE BOARD SHALL ADOPT WRITTEN  
22 POLICIES AND PROCEDURES GOVERNING ALL PROCUREMENTS OF HEALTHY  
23 MARYLAND.

24 (2) TO THE FULLEST EXTENT PRACTICABLE AND IN A MANNER THAT  
25 DOES NOT IMPAIR HEALTHY MARYLAND'S ABILITY TO CARRY OUT THE PURPOSES  
26 OF THIS TITLE, THE BOARD'S PROCUREMENT POLICIES AND PROCEDURES SHALL  
27 ESTABLISH AN OPEN AND TRANSPARENT PROCESS THAT:

28 (I) PROMOTES PUBLIC CONFIDENCE IN THE PROCUREMENTS  
29 OF HEALTHY MARYLAND;

30 (II) ENSURES FAIR AND EQUITABLE TREATMENT OF ALL  
31 PERSONS AND ENTITIES THAT PARTICIPATE IN THE PROCUREMENT SYSTEM OF  
32 HEALTHY MARYLAND;

33 (III) FOSTERS APPROPRIATE COMPETITION AND PROVIDES

1 SAFEGUARDS FOR MAINTAINING A PROCUREMENT SYSTEM OF QUALITY AND  
2 INTEGRITY;

3 (IV) PROMOTES INCREASED ECONOMIC EFFICIENCY AND  
4 RESPONSIBILITY ON THE PART OF HEALTHY MARYLAND;

5 (V) ACHIEVES THE MAXIMUM BENEFIT FROM THE PURCHASING  
6 POWER OF HEALTHY MARYLAND; AND

7 (VI) PROVIDES CLARITY AND SIMPLICITY IN THE RULES AND  
8 PROCEDURES GOVERNING THE PROCUREMENTS OF HEALTHY MARYLAND.

9 (F) TO CARRY OUT THE PURPOSES OF THIS TITLE, THE BOARD SHALL:

10 (1) CONSULT WITH AND SOLICIT INPUT FROM THE COMMITTEE AND  
11 ANY OTHER PERSON AS THE BOARD DETERMINES IS APPROPRIATE;

12 (2) PROMOTE THE PUBLIC UNDERSTANDING AND AWARENESS OF  
13 AVAILABLE BENEFITS AND PROGRAMS OF HEALTHY MARYLAND;

14 (3) AVOID JEOPARDIZING FEDERAL FINANCIAL PARTICIPATION IN  
15 THE PROGRAMS THAT ARE INCORPORATED INTO HEALTHY MARYLAND;

16 (4) ENSURE THAT THERE IS ADEQUATE FUNDING TO MEET THE  
17 HEALTH CARE NEEDS OF RESIDENTS AND TO COMPENSATE HEALTH CARE  
18 PROVIDERS THAT PARTICIPATE IN HEALTHY MARYLAND;

19 (5) EVALUATE REQUESTS FOR CAPITAL EXPENSES REQUIRED TO  
20 MEET THE HEALTH CARE NEEDS OF RESIDENTS;

21 (6) APPROVE THE BENEFITS PROVIDED BY HEALTHY MARYLAND;

22 (7) EVALUATE THE PERFORMANCE OF HEALTHY MARYLAND;

23 (8) EVALUATE AND MAKE RECOMMENDATIONS TO THE GENERAL  
24 ASSEMBLY ON ANY LEGISLATION RELATED TO HEALTHY MARYLAND;

25 (9) GUARANTEE THAT MECHANISMS FOR PUBLIC FEEDBACK ARE  
26 ACCESSIBLE AND NONDISCRIMINATORY; AND

27 (10) DEVELOP A PLAN TO COORDINATE THE ACTIVITIES OF HEALTHY  
28 MARYLAND WITH THE ACTIVITIES OF THE MARYLAND HEALTH CARE COMMISSION,  
29 THE HEALTH SERVICES COST REVIEW COMMISSION, AND THE DEPARTMENT TO

1 ENSURE APPROPRIATE PLANNING FOR THE EFFECTIVE DELIVERY AND EQUITABLE  
2 DISTRIBUTION OF HEALTH CARE SERVICES THROUGHOUT THE STATE.

3 (G) THE BOARD SHALL PROVIDE GRANTS FROM FUNDS IN THE HEALTHY  
4 MARYLAND TRUST FUND OR FUNDS OTHERWISE APPROPRIATED FOR HEALTH  
5 PLANNING TO THE HEALTH PLANNING PROGRAMS ESTABLISHED BY THE MARYLAND  
6 HEALTH CARE COMMISSION TO SUPPORT THE OPERATION OF THOSE PROGRAMS.

7 (H) THE BOARD SHALL PROVIDE FUNDS FROM THE FUND OR FUNDS  
8 OTHERWISE APPROPRIATED FOR THE PURPOSE OF WORKER RETRAINING AND JOB  
9 TRANSITION ASSISTANCE TO THE MARYLAND DEPARTMENT OF LABOR FOR:

10 (1) A PROGRAM FOR RETRAINING AND ASSISTING WITH JOB  
11 TRANSITION FOR INDIVIDUALS EMPLOYED OR PREVIOUSLY EMPLOYED IN THE  
12 FIELDS OF HEALTH INSURANCE, HEALTH CARE SERVICE PLANS, AND OTHER  
13 THIRD-PARTY PAYMENTS FOR HEALTH CARE; AND

14 (2) A PROGRAM FOR RETRAINING AND ASSISTING WITH JOB  
15 TRANSITION FOR THOSE INDIVIDUALS EMPLOYED OR PREVIOUSLY EMPLOYED IN  
16 FIELDS PROVIDING SERVICES TO HEALTH CARE PROVIDERS TO DEAL WITH  
17 THIRD-PARTY PAYORS FOR HEALTH CARE, WHOSE JOBS MAY BE OR HAVE BEEN  
18 ENDED AS A RESULT OF THE IMPLEMENTATION OF HEALTHY MARYLAND.

19 (I) (1) FOR UP TO 5 YEARS FOLLOWING THE DATE ON WHICH BENEFITS  
20 FIRST BECOME AVAILABLE UNDER HEALTHY MARYLAND, THE BOARD SHALL  
21 PROVIDE AT LEAST 1% OF THE ANNUAL BUDGET OF HEALTHY MARYLAND TO  
22 PROGRAMS PROVIDING ASSISTANCE TO WORKERS WHO PERFORM FUNCTIONS IN  
23 THE ADMINISTRATION OF HEALTH INSURANCE OR OTHERS WHO MAY BE AFFECTED  
24 BY THE IMPLEMENTATION OF HEALTHY MARYLAND AND WHO MAY EXPERIENCE  
25 ECONOMIC DISLOCATION AS A RESULT OF THE IMPLEMENTATION OF THIS TITLE.

26 (2) THE ASSISTANCE DESCRIBED IN PARAGRAPH (1) OF THIS  
27 SUBSECTION SHALL INCLUDE WAGE REPLACEMENT, RETIREMENT BENEFITS, JOB  
28 TRAINING, AND EDUCATION BENEFITS.

29 (J) THE BOARD SHALL CARRY OUT THE FUNCTIONS REQUIRED OF THE  
30 BOARD UNDER TITLE 31 OF THE INSURANCE ARTICLE UNTIL THE MARYLAND  
31 HEALTH BENEFIT EXCHANGE CEASES TO OPERATE IN THE STATE.

32 (K) THE BOARD MAY CONTRACT WITH NONPROFIT ORGANIZATIONS TO  
33 PROVIDE:

34 (1) ASSISTANCE TO CONSUMERS IN ENROLLING, OBTAINING HEALTH

1 CARE SERVICES, DISENROLLING, AND OTHER MATTERS RELATING TO HEALTHY  
2 MARYLAND; AND

3 (2) ASSISTANCE TO HEALTH CARE PROVIDERS PROVIDING, SEEKING,  
4 OR CONSIDERING WHETHER TO PROVIDE HEALTH CARE SERVICES UNDER HEALTHY  
5 MARYLAND.

6 (L) THE BOARD MAY DELEGATE TO THE EXECUTIVE DIRECTOR ANY OF ITS  
7 DUTIES UNDER THIS SECTION.

8 25-304.

9 (A) (1) SUBJECT TO § 25-201(C) OF THIS TITLE, THE BOARD SHALL  
10 DETERMINE WHEN INDIVIDUALS MAY BEGIN ENROLLING IN HEALTHY MARYLAND.

11 (2) HEALTHY MARYLAND SHALL HAVE AN IMPLEMENTATION PERIOD  
12 THAT SHALL:

13 (I) BEGIN ON THE DATE THAT INDIVIDUALS MAY BEGIN  
14 ENROLLING IN HEALTHY MARYLAND UNDER PARAGRAPH (1) OF THIS SUBSECTION;  
15 AND

16 (II) END ON A DATE DETERMINED BY THE BOARD.

17 (B) (1) THE BOARD SHALL ADOPT RULES OR REGULATIONS ON STATE  
18 RESIDENCY REQUIREMENTS UNDER HEALTHY MARYLAND.

19 (2) IN ADOPTING RULES OR REGULATIONS UNDER PARAGRAPH (1) OF  
20 THIS SUBSECTION, THE BOARD SHALL BE GUIDED BY THE STATE RESIDENCY  
21 REQUIREMENTS FOR THE MARYLAND MEDICAL ASSISTANCE PROGRAM AND THE  
22 MARYLAND CHILDREN'S HEALTH INSURANCE PROGRAM.

23 (C) A CARRIER MAY NOT OFFER BENEFITS OR COVER ANY SERVICES FOR  
24 WHICH COVERAGE IS OFFERED TO INDIVIDUALS UNDER HEALTHY MARYLAND.

25 (D) A CARRIER THAT IS ISSUED A CERTIFICATE OF AUTHORITY BY THE  
26 MARYLAND INSURANCE COMMISSIONER MAY OFFER:

27 (1) BENEFITS THAT DO NOT DUPLICATE THE HEALTH CARE SERVICES  
28 COVERED BY HEALTHY MARYLAND;

29 (2) BENEFITS TO OR FOR INDIVIDUALS, INCLUDING THE  
30 INDIVIDUALS' FAMILIES, WHO ARE EMPLOYED OR SELF-EMPLOYED IN THE STATE

1 BUT WHO ARE NOT RESIDENTS OF THE STATE; AND

2 (3) BENEFITS DURING THE IMPLEMENTATION PERIOD TO  
3 INDIVIDUALS WHO ENROLLED OR MAY ENROLL AS HEALTHY MARYLAND MEMBERS.

4 (E) THIS TITLE DOES NOT PROHIBIT A RESIDENT WHO IS EMPLOYED  
5 OUTSIDE THE STATE FROM CHOOSING TO RECEIVE HEALTH INSURANCE BENEFITS  
6 THROUGH THE RESIDENT'S EMPLOYER AND OPTING OUT OF PARTICIPATION IN  
7 HEALTHY MARYLAND.

8 (F) AFTER THE END OF THE IMPLEMENTATION PERIOD, EACH BOARD  
9 MEMBER SHALL ENROLL AS A HEALTHY MARYLAND MEMBER.

10 (G) (1) ON OR BEFORE DECEMBER 1, 2023, THE BOARD SHALL SUBMIT  
11 TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1257 OF THE STATE  
12 GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT ON ANY CHANGES TO  
13 THE LAWS OF THE STATE AND UNITS OF STATE GOVERNMENT NECESSARY TO  
14 EFFECTIVELY CARRY OUT THE PROVISIONS OF THIS TITLE.

15 (2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS  
16 SUBSECTION SHALL INCLUDE RECOMMENDATIONS ON THE REPEAL OR AMENDMENT  
17 OF ANY LAWS OF THE STATE THAT ARE INCONSISTENT WITH THE PROVISIONS OF  
18 THIS TITLE.

19 (H) ON OR BEFORE DECEMBER 1, 2023, THE BOARD SHALL APPLY FOR ALL  
20 WAIVERS FROM THE PROVISIONS OF THE EMPLOYMENT RETIREMENT INCOME  
21 SECURITY ACT THAT ARE NECESSARY TO ENSURE THE PARTICIPATION OF ALL  
22 RESIDENTS OF THE STATE IN HEALTHY MARYLAND.

23 (I) THE BOARD SHALL DEVELOP PROPOSALS FOR ACCOMMODATING  
24 EMPLOYER RETIREE HEALTH BENEFITS FOR:

25 (1) INDIVIDUALS WHO HAVE BEEN HEALTHY MARYLAND MEMBERS  
26 BUT LIVE AS RETIREES OUTSIDE THE STATE; AND

27 (2) INDIVIDUALS WHO EARNED OR ACCRUED THOSE BENEFITS WHILE  
28 RESIDING IN THE STATE BEFORE THE IMPLEMENTATION OF HEALTHY MARYLAND  
29 AND LIVE AS RETIREES OUTSIDE THE STATE.

30 (J) THE BOARD SHALL DEVELOP A PROPOSAL FOR HEALTHY MARYLAND  
31 COVERAGE OF HEALTH CARE SERVICES CURRENTLY COVERED UNDER THE STATE  
32 WORKERS' COMPENSATION SYSTEM, INCLUDING WHETHER AND HOW TO:

1           (1) CONTINUE FUNDING FOR THOSE SERVICES UNDER THE WORKERS'  
2 COMPENSATION SYSTEM; AND

3           (2) INCORPORATE AN ELEMENT OF EXPERIENCE RATING.

4 25-305.

5           (A) THE BOARD SHALL REQUIRE AND ENFORCE THE COLLECTION AND  
6 AVAILABILITY OF ALL THE FOLLOWING DATA TO PROMOTE TRANSPARENCY, ASSESS  
7 QUALITY OF PATIENT CARE, COMPARE PATIENT OUTCOMES, AND REVIEW  
8 UTILIZATION OF HEALTH CARE SERVICES PAID FOR BY HEALTHY MARYLAND:

9           (1) HOSPITAL INPATIENT DISCHARGE DATA FOR EACH DISCHARGE,  
10 INCLUDING SEVERITY OF ILLNESS, RISK OF MORTALITY, COST DATA, CHARGE DATA,  
11 LENGTH OF STAY DATA, AND PATIENT CARE UNIT DATA;

12           (2) EMERGENCY DEPARTMENT, AMBULATORY SURGERY CENTER,  
13 AND OTHER OUTPATIENT FACILITY DATA FOR EACH HEALTHY MARYLAND MEMBER  
14 RECEIVING ITEMS AND SERVICES, INCLUDING COST DATA, CHARGE DATA, LENGTH  
15 OF STAY DATA, AND PATIENT CARE UNIT DATA;

16           (3) ANNUAL FINANCIAL DATA FOR ALL PROVIDERS OF SERVICES  
17 RECEIVING PAYMENT UNDER § 25-802 OF THIS TITLE, INCLUDING:

18           (I) THE DOLLAR VALUE AT COST OF COMMUNITY BENEFITS  
19 ACTIVITIES, INCLUDING CHARITY CARE, PROVIDED BY THE PROVIDER OF SERVICES;

20           (II) NUMBER OF EMPLOYEES BY JOB CLASSIFICATION FOR  
21 EACH HOSPITAL AND OUTPATIENT UNIT;

22           (III) NUMBER OF HOURS WORKED BY JOB CLASSIFICATION FOR  
23 EACH HOSPITAL AND OUTPATIENT UNIT;

24           (IV) EMPLOYEE WAGE INFORMATION BY JOB CLASSIFICATION  
25 FOR EACH HOSPITAL AND OUTPATIENT UNIT;

26           (V) NUMBER OF REGISTERED NURSES PER STAFFED BED BY  
27 HOSPITAL UNIT;

28           (VI) TYPE AND DOLLAR VALUE OF HEALTH INFORMATION  
29 TECHNOLOGY; AND

30           (VII) ANNUAL SPENDING ON HEALTH INFORMATION

1 TECHNOLOGY, INCLUDING PURCHASES, UPGRADES, AND MAINTENANCE;

2 (4) RISK-ADJUSTED AND RAW DATA ON PATIENT OUTCOMES,  
3 INCLUDING DATA ON MEDICAL, SURGICAL, OBSTETRIC, AND OTHER PROCEDURES;

4 (5) PHYSICIAN SERVICES AND OFFICE VISITS, INCLUDING COST DATA  
5 AND CHARGE DATA;

6 (6) PRESCRIPTION DRUG COST DATA AND CHARGE DATA FOR  
7 PRESCRIPTION DRUGS PRESCRIBED AND DISPENSED THROUGH HOSPITALS,  
8 EMERGENCY DEPARTMENTS, AMBULATORY SURGERY CENTERS AND OTHER  
9 OUTPATIENT FACILITIES, OR A PHYSICIAN'S OFFICE; AND

10 (7) ANY OTHER DATA THAT THE PROVIDER REPORTS TO ANY OTHER  
11 STATE, LOCAL, OR FEDERAL AGENCY.

12 (B) DATA COLLECTED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE  
13 REPORTED TO THE HEALTH SERVICES COST REVIEW COMMISSION.

14 (C) THIS SECTION DOES NOT CHANGE OR IMPACT IN ANY WAY PROVIDER  
15 REPORTING REQUIREMENTS TO ANY STATE, LOCAL, OR FEDERAL AGENCY AS  
16 ESTABLISHED UNDER STATE LAW.

17 (D) THE BOARD SHALL ESTABLISH REPORTING REQUIREMENTS AND  
18 STANDARDS NECESSARY TO EVALUATE AND ELIMINATE HEALTH CARE DISPARITIES,  
19 INCLUDING GEOGRAPHIC, RACIAL, INCOME-BASED, GENDER-BASED, SEX-BASED,  
20 AND OTHER DISPARITIES.

21 (E) THE BOARD SHALL MAKE ALL DISCLOSED DATA COLLECTED UNDER  
22 SUBSECTION (A) OF THIS SECTION PUBLICLY AVAILABLE THROUGH:

23 (1) A SEARCHABLE WEBSITE; AND

24 (2) THE HEALTH SERVICES COST REVIEW COMMISSION.

25 (F) THE BOARD SHALL, DIRECTLY AND THROUGH GRANTS TO NONPROFIT  
26 ORGANIZATIONS, CONDUCT PROGRAMS USING DATA COLLECTED THROUGH  
27 HEALTHY MARYLAND TO PROMOTE AND PROTECT PUBLIC, ENVIRONMENTAL, AND  
28 OCCUPATIONAL HEALTH, INCLUDING THROUGH COOPERATION WITH OTHER DATA  
29 COLLECTION AND RESEARCH PROGRAMS OF THE MARYLAND HEALTH CARE  
30 COMMISSION, THE HEALTH SERVICES COST REVIEW COMMISSION, AND THE  
31 DEPARTMENT CONSISTENT WITH THIS TITLE AND OTHERWISE APPLICABLE LAW.



1           (2)    TWO REGISTERED NURSES, APPOINTED BY THE PRESIDENT OF  
2 THE SENATE;

3           (3)    ONE LICENSED ALLIED HEALTH PRACTITIONER, APPOINTED BY  
4 THE SPEAKER OF THE HOUSE;

5           (4)    ONE BEHAVIORAL HEALTH CARE PROVIDER, APPOINTED BY THE  
6 PRESIDENT OF THE SENATE;

7           (5)    ONE DENTIST, APPOINTED BY THE GOVERNOR;

8           (6)    ONE REPRESENTATIVE OF PRIVATE HOSPITALS, APPOINTED BY  
9 THE GOVERNOR;

10          (7)    ONE REPRESENTATIVE OF PUBLIC HOSPITALS, APPOINTED BY  
11 THE GOVERNOR;

12          (8)    FOUR CONSUMERS OF HEALTH CARE:

13                (I)    TWO OF WHOM SHALL BE APPOINTED BY THE GOVERNOR,  
14 INCLUDING ONE WHO IS A MEMBER OF THE DISABLED COMMUNITY;

15                (II)   ONE OF WHOM SHALL BE:

16                    1.    APPOINTED BY THE PRESIDENT OF THE SENATE; AND

17                    2.    A HEALTHY MARYLAND MEMBER WHO IS AT LEAST 65  
18 YEARS OLD; AND

19                (III)   ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF  
20 THE HOUSE;

21          (9)    TWO REPRESENTATIVES OF ORGANIZED LABOR:

22                (I)    ONE OF WHOM SHALL BE APPOINTED BY THE PRESIDENT OF  
23 THE SENATE; AND

24                (II)   ONE OF WHOM SHALL BE APPOINTED BY THE SPEAKER OF  
25 THE HOUSE;

26          (10)   ONE REPRESENTATIVE OF ESSENTIAL COMMUNITY PROVIDERS,  
27 APPOINTED BY THE PRESIDENT OF THE SENATE;

1           (11) ONE REPRESENTATIVE OF A SMALL BUSINESS THAT EMPLOYS  
2 FEWER THAN 25 EMPLOYEES, APPOINTED BY THE GOVERNOR;

3           (12) ONE REPRESENTATIVE OF A LARGE BUSINESS THAT EMPLOYS  
4 MORE THAN 250 EMPLOYEES, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

5           (13) ONE PHARMACIST, APPOINTED BY THE SPEAKER OF THE HOUSE.

6           (C) EACH COMMITTEE MEMBER MUST HAVE WORKED IN THE FIELD THE  
7 MEMBER REPRESENTS ON THE COMMITTEE FOR A PERIOD OF AT LEAST 2 YEARS  
8 BEFORE BEING APPOINTED TO THE COMMITTEE.

9           (D) (1) THE TERM OF A MEMBER IS 4 YEARS.

10           (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
11 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON JULY 1, 2023.

12           (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL  
13 A SUCCESSOR IS APPOINTED AND QUALIFIES.

14           (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
15 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
16 QUALIFIES.

17           (5) (I) IF A VACANCY OCCURS, THE APPOINTING AUTHORITY  
18 PROMPTLY SHALL APPOINT A SUCCESSOR WHO SHALL SERVE UNTIL THE TERM  
19 EXPIRES.

20           (II) A MEMBER APPOINTED UNDER SUBPARAGRAPH (I) OF THIS  
21 PARAGRAPH MAY BE REAPPOINTED FOR A FULL TERM.

22           (6) A MEMBER MAY NOT SERVE FOR MORE THAN TWO CONSECUTIVE  
23 TERMS.

24           (7) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT A  
25 CHAIR WHO SHALL SERVE 2 YEARS AND WHO MAY BE REELECTED FOR AN  
26 ADDITIONAL 2 YEARS.

27           (E) IN MAKING APPOINTMENTS OF MEMBERS UNDER SUBSECTION (B) OF  
28 THIS SECTION, THE APPOINTING AUTHORITY SHALL MAKE GOOD FAITH EFFORTS TO  
29 ENSURE THAT THE APPOINTMENTS, AS A WHOLE, REFLECT, TO THE GREATEST  
30 EXTENT PRACTICABLE, THE SOCIOECONOMIC AND GEOGRAPHIC DIVERSITY OF THE

1 STATE.

2 (F) THE COMMITTEE SHALL ADVISE THE BOARD ON ALL MATTERS OF  
3 POLICY RELATED TO HEALTHY MARYLAND.

4 (G) A COMMITTEE MEMBER OR ANY OF THE MEMBER'S ASSISTANTS,  
5 CLERKS, OR DEPUTIES MAY NOT USE FOR PERSONAL BENEFIT ANY INFORMATION  
6 THAT IS:

7 (1) FILED WITH, OR OBTAINED BY, THE COMMITTEE; AND

8 (2) NOT GENERALLY AVAILABLE TO THE PUBLIC.

9 (H) (1) THE COMMITTEE SHALL MEET AT LEAST SIX TIMES PER YEAR IN  
10 A PLACE CONVENIENT TO THE PUBLIC SUBJECT TO TITLE 3 OF THE GENERAL  
11 PROVISIONS ARTICLE.

12 (2) ELEVEN MEMBERS OF THE COMMITTEE CONSTITUTE A QUORUM.

13 (3) ACTION BY THE COMMITTEE REQUIRES THE AFFIRMATIVE VOTE  
14 OF AT LEAST 12 MEMBERS.

15 (I) A MEMBER OF THE COMMITTEE:

16 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE  
17 COMMITTEE; BUT

18 (2) IS ENTITLED TO:

19 (I) A PER DIEM RATE AS PROVIDED IN THE STATE BUDGET FOR  
20 ATTENDING SCHEDULED MEETINGS OF THE COMMITTEE; AND

21 (II) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD  
22 STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

23 (J) A MEMBER OF THE COMMITTEE SHALL PERFORM THE MEMBER'S  
24 DUTIES:

25 (1) IN GOOD FAITH;

26 (2) IN THE MANNER THE MEMBER REASONABLY BELIEVES TO BE IN  
27 THE BEST INTEREST OF HEALTHY MARYLAND; AND

1           **(3) WITHOUT INTENTIONAL OR RECKLESS DISREGARD OF THE CARE**  
2 **AN ORDINARILY PRUDENT PERSON IN A LIKE POSITION WOULD USE UNDER SIMILAR**  
3 **CIRCUMSTANCES.**

4           **(K) (1) (I) A MEMBER OF THE COMMITTEE SHALL BE SUBJECT TO**  
5 **TITLE 5, SUBTITLES 1 THROUGH 7 OF THE GENERAL PROVISIONS ARTICLE.**

6                   **(II) IN ADDITION TO THE DISCLOSURE REQUIRED UNDER TITLE**  
7 **5, SUBTITLE 6 OF THE GENERAL PROVISIONS ARTICLE, A MEMBER OF THE**  
8 **COMMITTEE SHALL DISCLOSE TO THE COMMITTEE AND TO THE PUBLIC ANY**  
9 **RELATIONSHIP NOT ADDRESSED IN THE REQUIRED FINANCIAL DISCLOSURE THAT**  
10 **THE MEMBER HAS WITH:**

- 11                   1.   **A HEALTH CARE PROVIDER;**
- 12                   2.   **A HEALTH CLINIC;**
- 13                   3.   **A PHARMACEUTICAL COMPANY;**
- 14                   4.   **A MEDICAL EQUIPMENT COMPANY;**
- 15                   5.   **A CARRIER;**
- 16                   6.   **AN INSURANCE PRODUCER;**
- 17                   7.   **A THIRD-PARTY ADMINISTRATOR;**
- 18                   8.   **A MANAGED CARE ORGANIZATION; OR**
- 19                   9.   **ANY OTHER ENTITY IN AN INDUSTRY INVOLVED IN**  
20 **MATTERS LIKELY TO COME BEFORE THE COMMITTEE.**

21           **(2) ON ALL MATTERS THAT COME BEFORE THE COMMITTEE, A**  
22 **MEMBER SHALL:**

23                   **(I) ADHERE STRICTLY TO THE CONFLICT OF INTEREST**  
24 **PROVISIONS UNDER TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS ARTICLE**  
25 **RELATING TO RESTRICTIONS ON PARTICIPATION, EMPLOYMENT, AND FINANCIAL**  
26 **INTERESTS; AND**

27                   **(II) PROVIDE FULL DISCLOSURE TO THE COMMITTEE AND THE**  
28 **PUBLIC ON:**

1                   1.    ANY MATTER THAT GIVES RISE TO A POTENTIAL  
2 CONFLICT OF INTEREST; AND

3                   2.    THE MANNER IN WHICH THE MEMBER WILL COMPLY  
4 WITH THE PROVISIONS OF TITLE 5, SUBTITLE 5 OF THE GENERAL PROVISIONS  
5 ARTICLE TO AVOID ANY CONFLICT OF INTEREST OR APPEARANCE OF A CONFLICT  
6 OF INTEREST.

7           (L)    A MEMBER OF THE COMMITTEE WHO PERFORMS THE MEMBER'S DUTIES  
8 IN ACCORDANCE WITH THE STANDARD ESTABLISHED UNDER SUBSECTION (J) OF  
9 THIS SECTION MAY NOT BE LIABLE PERSONALLY FOR ACTIONS TAKEN AS A MEMBER  
10 WHEN DONE IN GOOD FAITH, WITHOUT INTENT TO DEFRAUD, AND IN CONNECTION  
11 WITH THE ADMINISTRATION, MANAGEMENT, OR CONDUCT OF THIS TITLE OR  
12 ACTIONS RELATED TO THIS TITLE.

13           (M)   A MEMBER OF THE COMMITTEE MAY BE REMOVED FOR INCOMPETENCE,  
14 MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.

15                               SUBTITLE 5. ELIGIBILITY AND ENROLLMENT.  
16 25-501.

17           (A)    EACH RESIDENT OF THE STATE IS ELIGIBLE TO:

18                   (1)   ENROLL AS A HEALTHY MARYLAND MEMBER; AND

19                   (2)   RECEIVE BENEFITS FOR HEALTH CARE SERVICES COVERED BY  
20 HEALTHY MARYLAND.

21           (B)    HEALTHY MARYLAND MEMBERS ARE NOT REQUIRED TO PAY ANY FEE,  
22 PAYMENT, OR OTHER CHARGE FOR ENROLLING IN OR BEING A HEALTHY MARYLAND  
23 MEMBER.

24           (C)    A PARTICIPATING PROVIDER MAY NOT:

25                   (1)   REQUIRE HEALTHY MARYLAND MEMBERS TO PAY ANY PREMIUM,  
26 CO-PAYMENT, COINSURANCE, DEDUCTIBLE, OR OTHER FORM OF COST SHARING  
27 FOR ANY COVERED BENEFITS;

28                   (2)   USE PREEXISTING MEDICAL CONDITIONS TO DETERMINE THE  
29 ELIGIBILITY OF A HEALTHY MARYLAND MEMBER TO RECEIVE BENEFITS FOR  
30 HEALTH CARE SERVICES COVERED BY HEALTHY MARYLAND; OR

1           **(3) REFUSE TO PROVIDE HEALTH CARE SERVICES TO A HEALTHY**  
2 **MARYLAND MEMBER ON THE BASIS OF:**

- 3           **(I) RACE;**  
4           **(II) COLOR;**  
5           **(III) RELIGION OR CREED;**  
6           **(IV) SEX;**  
7           **(V) AGE;**  
8           **(VI) ANCESTRY OR NATIONAL ORIGIN;**  
9           **(VII) MARITAL STATUS;**  
10           **(VIII) MENTAL OR PHYSICAL DISABILITY;**  
11           **(IX) SEXUAL ORIENTATION;**  
12           **(X) GENDER IDENTITY OR EXPRESSION;**  
13           **(XI) CITIZENSHIP;**  
14           **(XII) IMMIGRATION STATUS;**  
15           **(XIII) PRIMARY LANGUAGE;**  
16           **(XIV) MEDICAL CONDITION;**  
17           **(XV) GENETIC INFORMATION;**  
18           **(XVI) FAMILIAL STATUS;**  
19           **(XVII) MILITARY OR VETERAN STATUS;**  
20           **(XVIII) GEOGRAPHY; OR**  
21           **(XIX) SOURCE OF INCOME.**

22           **(D) A COLLEGE, A UNIVERSITY, OR ANY OTHER INSTITUTION OF HIGHER**  
23 **EDUCATION IN THE STATE MAY PURCHASE COVERAGE UNDER HEALTHY MARYLAND**

1 FOR A STUDENT, OR A STUDENT'S DEPENDENT, WHO IS NOT A RESIDENT OF THE  
2 STATE.

3 25-502.

4 (A) IF A STATE RESIDENT IS EMPLOYED OUTSIDE THE STATE BY AN  
5 EMPLOYER THAT IS SUBJECT TO STATE LAW, THE EMPLOYER AND EMPLOYEE SHALL  
6 PAY ANY PAYROLL PREMIUM ADOPTED UNDER THIS TITLE AS TO THAT EMPLOYEE  
7 AS IF THE EMPLOYMENT WERE IN THE STATE.

8 (B) IF A STATE RESIDENT IS EMPLOYED OUTSIDE THE STATE BY AN  
9 EMPLOYER THAT IS NOT SUBJECT TO STATE LAW, EITHER:

10 (1) THE EMPLOYER AND EMPLOYEE SHALL VOLUNTARILY PAY ANY  
11 PAYROLL PREMIUM ADOPTED UNDER THIS TITLE AS TO THAT EMPLOYEE AS IF THE  
12 EMPLOYMENT WERE IN THE STATE; OR

13 (2) THE EMPLOYEE SHALL PAY THE PAYROLL PREMIUM ADOPTED  
14 UNDER THIS TITLE AS IF THE EMPLOYEE WERE SELF-EMPLOYED.

15 (C) ANY PAYROLL PREMIUM ADOPTED UNDER THIS TITLE APPLIES TO:

16 (1) AN OUT-OF-STATE RESIDENT EMPLOYED IN THE STATE; AND

17 (2) AN OUT-OF-STATE RESIDENT SELF-EMPLOYED IN THE STATE.

18 (D) (1) A STATE RESIDENT WHO IS EMPLOYED OUTSIDE THE STATE MAY  
19 CHOOSE TO RECEIVE HEALTH INSURANCE BENEFITS THROUGH THE RESIDENT'S  
20 EMPLOYER AND OPT OUT OF PARTICIPATION IN HEALTHY MARYLAND.

21 (2) THE BOARD SHALL DEVELOP AND IMPLEMENT RULES  
22 ESTABLISHING PROCEDURES FOR STATE RESIDENTS EMPLOYED OUTSIDE THE  
23 STATE TO OPT OUT OF PARTICIPATION IN HEALTHY MARYLAND.

24 (E) NEGOTIATED HEALTH INSURANCE CONTRIBUTIONS MADE BY  
25 EMPLOYERS ON BEHALF OF EMPLOYEES WHO ARE WORKING IN THE STATE BUT  
26 RESIDING OUTSIDE THE STATE MAY NOT BE ABRIDGED BY THIS TITLE.

27 25-503.

28 (A) (1) IF AN OUT-OF-STATE RESIDENT IS EMPLOYED IN THE STATE, THE  
29 OUT-OF-STATE RESIDENT AND THE OUT-OF-STATE RESIDENT'S EMPLOYER MAY  
30 TAKE A CREDIT AGAINST ANY PAYROLL PREMIUM ADOPTED UNDER THIS TITLE THAT

1 THE INDIVIDUAL OR THE INDIVIDUAL'S EMPLOYER WOULD OTHERWISE PAY AS TO  
2 THAT INDIVIDUAL.

3 (2) THE CREDIT TAKEN UNDER THIS SUBSECTION IS FOR AMOUNTS  
4 SPENT ON HEALTH BENEFITS FOR THE INDIVIDUAL THAT WOULD OTHERWISE BE  
5 COVERED BY HEALTHY MARYLAND IF THAT INDIVIDUAL WERE A HEALTHY  
6 MARYLAND MEMBER.

7 (3) THE CREDIT TAKEN UNDER THIS SUBSECTION SHALL BE  
8 DISTRIBUTED BETWEEN THE INDIVIDUAL AND EMPLOYER IN THE SAME  
9 PROPORTION AS THE SPENDING BY EACH FOR THE HEALTH BENEFITS.

10 (4) AN EMPLOYER AND EMPLOYEE MAY APPLY THEIR RESPECTIVE  
11 PORTIONS OF THE CREDIT AVAILABLE UNDER THIS SUBSECTION TO THEIR  
12 RESPECTIVE PORTIONS OF THE PAYROLL PREMIUM ADOPTED UNDER THIS TITLE.

13 (B) (1) IF AN OUT-OF-STATE RESIDENT IS SELF-EMPLOYED IN THE  
14 STATE, THE INDIVIDUAL MAY TAKE A CREDIT AGAINST ANY PAYROLL PREMIUM  
15 ADOPTED UNDER THIS TITLE THAT THE INDIVIDUAL WOULD OTHERWISE PAY.

16 (2) A CREDIT TAKEN UNDER PARAGRAPH (1) OF THIS SUBSECTION IS  
17 FOR AMOUNTS THE INDIVIDUAL SPENDS ON HEALTH BENEFITS THAT WOULD  
18 OTHERWISE BE COVERED BY HEALTHY MARYLAND IF THE INDIVIDUAL WERE A  
19 HEALTHY MARYLAND MEMBER.

20 (C) (1) A CREDIT TAKEN BY INDIVIDUALS UNDER SUBSECTION (B) OF  
21 THIS SECTION IS LIMITED TO SPENDING FOR HEALTH BENEFITS.

22 (2) AN INDIVIDUAL MAY NOT TAKE A CREDIT UNDER SUBSECTION (B)  
23 OF THIS SECTION FOR OUT-OF-POCKET HEALTH CARE SPENDING.

24 (D) A CREDIT UNDER THIS SECTION IS AVAILABLE REGARDLESS OF:

25 (1) THE COST OR COMPREHENSIVENESS OF THE HEALTH BENEFIT;  
26 OR

27 (2) THE FORM OF THE HEALTH BENEFIT.

28 (E) (1) AN EMPLOYER OR INDIVIDUAL MAY TAKE A CREDIT UNDER THIS  
29 SECTION ONLY AGAINST PAYROLL PREMIUMS ADOPTED UNDER THIS TITLE.

30 (2) AN EMPLOYER OR INDIVIDUAL MAY NOT APPLY ANY HEALTH  
31 BENEFIT SPENDING IN EXCESS OF THE PAYROLL PREMIUM TO OTHER TAX LIABILITY.

## SUBTITLE 6. BENEFITS.

1

2 25-601.

3 (A) (1) COVERED HEALTH CARE BENEFITS UNDER HEALTHY MARYLAND  
4 SHALL INCLUDE ALL MEDICAL CARE PROVIDED TO A HEALTHY MARYLAND MEMBER  
5 THAT IS:

6 (I) MEDICALLY NECESSARY OR APPROPRIATE AS DETERMINED  
7 BY THE HEALTHY MARYLAND MEMBER'S:

8 1. TREATING PHYSICIAN; OR

9 2. HEALTH CARE PROVIDER WHO, IN ACCORDANCE  
10 WITH THE PROVIDER'S SCOPE OF PRACTICE AND LICENSURE, IS AUTHORIZED TO  
11 ESTABLISH A MEDICAL DIAGNOSIS AND HAS MADE A MEDICAL ASSESSMENT OF THE  
12 HEALTHY MARYLAND MEMBER'S CONDITION; AND

13 (II) IN ACCORDANCE WITH THE HEALTHY MARYLAND  
14 STANDARDS ESTABLISHED IN SUBTITLE 9 OF THIS TITLE AND BY THE BOARD.

15 (2) A HEALTHY MARYLAND MEMBER'S TREATING PHYSICIAN OR ANY  
16 OTHER HEALTH CARE PROVIDER TREATING THE HEALTHY MARYLAND MEMBER IS:

17 (I) AN APPROVED HEALTH CARE PROVIDER UNDER § 25-701  
18 OF THIS TITLE; AND

19 (II) IN ACCORDANCE WITH THE PROVIDER'S SCOPE OF  
20 PRACTICE AND LICENSURE, AUTHORIZED TO ESTABLISH A MEDICAL DIAGNOSIS AND  
21 MAKE A MEDICAL ASSESSMENT OF THE HEALTHY MARYLAND MEMBER'S  
22 CONDITION.

23 (B) COVERED HEALTH CARE BENEFITS FOR HEALTHY MARYLAND  
24 MEMBERS INCLUDE:

25 (1) INPATIENT AND OUTPATIENT MEDICAL AND HEALTH CARE  
26 FACILITY SERVICES;

27 (2) INPATIENT AND OUTPATIENT PROFESSIONAL HEALTH CARE  
28 PROVIDER MEDICAL SERVICES;

29 (3) DIAGNOSTIC IMAGING, LABORATORY SERVICES, AND OTHER

1 **DIAGNOSTIC AND EVALUATIVE SERVICES;**

2 **(4) (I) MEDICAL EQUIPMENT, APPLIANCES, AND ASSISTIVE**  
3 **TECHNOLOGY, INCLUDING:**

4 **1. PROSTHETICS;**

5 **2. EYEGLASSES; AND**

6 **3. HEARING AIDS; AND**

7 **(II) THE REPAIR, TECHNICAL SUPPORT, AND CUSTOMIZATION**  
8 **NEEDED FOR INDIVIDUAL USE OF MEDICAL EQUIPMENT, APPLIANCES, AND**  
9 **ASSISTIVE TECHNOLOGY;**

10 **(5) INPATIENT AND OUTPATIENT REHABILITATIVE CARE;**

11 **(6) EMERGENCY CARE SERVICES;**

12 **(7) EMERGENCY TRANSPORTATION;**

13 **(8) NECESSARY TRANSPORTATION FOR HEALTH CARE SERVICES FOR**  
14 **PERSONS WITH DISABILITIES OR WHO MAY QUALIFY AS LOW-INCOME;**

15 **(9) CHILD AND ADULT IMMUNIZATIONS AND PREVENTIVE CARE;**

16 **(10) HEALTH AND WELLNESS EDUCATION;**

17 **(11) HOSPICE CARE;**

18 **(12) CARE IN A SKILLED NURSING FACILITY;**

19 **(13) HOME HEALTH CARE, INCLUDING HEALTH CARE PROVIDED IN AN**  
20 **ASSISTED LIVING FACILITY;**

21 **(14) MENTAL HEALTH SERVICES;**

22 **(15) SUBSTANCE ABUSE TREATMENT;**

23 **(16) DENTAL CARE;**

24 **(17) VISION CARE;**

- 1           **(18) PRESCRIPTION DRUGS;**
- 2           **(19) PEDIATRIC CARE;**
- 3           **(20) PRENATAL AND POSTNATAL CARE;**
- 4           **(21) PODIATRIC CARE;**
- 5           **(22) EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND**  
6 **TREATMENT SERVICES AS DEFINED IN § 1905(R) OF THE SOCIAL SECURITY ACT;**
- 7           **(23) DIETARY AND NUTRITIONAL THERAPIES APPROVED BY THE**  
8 **BOARD UNDER § 25-602 OF THIS SUBTITLE;**
- 9           **(24) ACUPUNCTURE;**
- 10           **(25) THERAPIES THAT ARE SHOWN BY THE NATIONAL INSTITUTES OF**  
11 **HEALTH, NATIONAL CENTER FOR COMPLEMENTARY AND INTEGRATIVE HEALTH**  
12 **TO BE SAFE AND EFFECTIVE;**
- 13           **(26) BLOOD AND BLOOD PRODUCTS;**
- 14           **(27) DIALYSIS;**
- 15           **(28) ADULT DAY CARE;**
- 16           **(29) HABILITATIVE AND REHABILITATIVE SERVICES;**
- 17           **(30) ANCILLARY HEALTH CARE OR SOCIAL SERVICES PREVIOUSLY**  
18 **COVERED BY THE COMMUNITY INTEGRATED MEDICAL HOME PROGRAM UNDER §**  
19 **19-1B-02 OF THIS ARTICLE;**
- 20           **(31) CASE MANAGEMENT AND CARE COORDINATION;**
- 21           **(32) LANGUAGE INTERPRETATION AND TRANSLATION FOR HEALTH**  
22 **CARE SERVICES, INCLUDING SIGN LANGUAGE, BRAILLE, AND ANY OTHER SERVICES**  
23 **NEEDED FOR INDIVIDUALS WITH COMMUNICATION BARRIERS;**
- 24           **(33) HEALTH CARE AND LONG-TERM SERVICES AND SUPPORTS THAT**  
25 **ARE:**
- 26                   **(i) COVERED UNDER MEDICAID OR THE MARYLAND**  
27 **CHILDREN'S HEALTH INSURANCE PROGRAM ON JANUARY 1, 2023; AND**

1 (II) DESCRIBED IN § 25-603 OF THIS SUBTITLE;

2 (34) ALL HEALTH CARE SERVICES FOR WHICH COVERAGE IS  
3 REQUIRED BY OR UNDER ANY OF THE FOLLOWING PROGRAMS OR ENTITIES,  
4 WITHOUT REGARD TO WHETHER THE HEALTHY MARYLAND MEMBER WOULD  
5 OTHERWISE BE ELIGIBLE FOR OR COVERED BY THE PROGRAM OR SOURCE  
6 REFERRED TO:

7 (I) MEDICAID; AND

8 (II) MEDICARE;

9 (35) ANY HEALTH CARE SERVICES ADDED TO HEALTHY MARYLAND  
10 BENEFITS BY THE BOARD, AS AUTHORIZED UNDER THIS TITLE; AND

11 (36) ALL ESSENTIAL HEALTH BENEFITS MANDATED BY THE  
12 AFFORDABLE CARE ACT AS OF JANUARY 1, 2017.

13 25-602.

14 (A) ON A REGULAR BASIS, THE BOARD SHALL EVALUATE WHETHER  
15 COVERED BENEFITS UNDER HEALTHY MARYLAND SHOULD BE IMPROVED OR  
16 ADJUSTED:

17 (1) TO PROMOTE THE HEALTH OF BENEFICIARIES;

18 (2) TO ACCOUNT FOR CHANGES IN MEDICAL PRACTICE OR NEW  
19 INFORMATION FROM MEDICAL RESEARCH; OR

20 (3) TO RESPOND TO OTHER RELEVANT DEVELOPMENTS IN HEALTH  
21 SCIENCE.

22 (B) IN CARRYING OUT SUBSECTION (A) OF THIS SECTION, THE BOARD  
23 SHALL CONSULT WITH THE PERSONS DESCRIBED IN SUBSECTION (C) OF THIS  
24 SECTION ON:

25 (1) IDENTIFYING SPECIFIC COMPLEMENTARY AND INTEGRATIVE  
26 MEDICINE PRACTICES THAT, ON THE BASIS OF RESEARCH FINDINGS OR PROMISING  
27 CLINICAL INTERVENTIONS, ARE APPROPRIATE TO INCLUDE IN THE BENEFITS  
28 PACKAGE; AND

29 (2) IDENTIFYING:

1 (I) BARRIERS TO THE EFFECTIVE PROVISION AND  
2 INTEGRATION OF SUCH PRACTICES INTO THE DELIVERY OF HEALTH CARE; AND

3 (II) MECHANISMS FOR OVERCOMING SUCH BARRIERS.

4 (C) IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION, THE BOARD  
5 SHALL CONSULT WITH:

6 (1) INSTITUTIONS OF HIGHER EDUCATION, PRIVATE RESEARCH  
7 INSTITUTES, AND INDIVIDUAL RESEARCHERS WITH EXTENSIVE EXPERIENCE IN  
8 COMPLEMENTARY AND ALTERNATIVE MEDICINE AND THE INTEGRATION OF SUCH  
9 PRACTICES INTO THE DELIVERY OF HEALTH CARE;

10 (2) NATIONALLY RECOGNIZED PROVIDERS OF COMPLEMENTARY AND  
11 INTEGRATIVE MEDICINE; AND

12 (3) OTHER OFFICIALS, ENTITIES, AND INDIVIDUALS WITH EXPERTISE  
13 ON COMPLEMENTARY AND INTEGRATIVE MEDICINE AS THE BOARD DETERMINES  
14 APPROPRIATE.

15 (D) (1) HEALTH CARE PROVIDERS AND HEALTHY MARYLAND MEMBERS  
16 MAY PETITION THE BOARD TO IMPROVE OR ADJUST COVERED BENEFITS UNDER  
17 HEALTHY MARYLAND.

18 (2) THE BOARD SHALL DEVELOP AND IMPLEMENT PROCEDURES FOR  
19 HEALTHY MARYLAND MEMBERS TO PETITION THE BOARD TO IMPROVE OR ADJUST  
20 COVERED BENEFITS UNDER HEALTHY MARYLAND.

21 25-603.

22 (A) SUBJECT TO THE OTHER PROVISIONS OF THIS TITLE, A MEMBER IS  
23 ENTITLED TO PAYMENT BY HEALTHY MARYLAND TO AN ELIGIBLE HEALTH CARE  
24 PROVIDER FOR LONG-TERM SERVICES AND SUPPORTS, FOR MAINTENANCE OF  
25 HEALTH, OR FOR CARE, SERVICES, DIAGNOSIS, TREATMENT, OR REHABILITATION  
26 THAT IS RELATED TO A MEDICALLY DETERMINABLE CONDITION, WHETHER  
27 PHYSICAL OR MENTAL, OF HEALTH, INJURY, OR AGE THAT:

28 (1) CAUSES A FUNCTIONAL LIMITATION IN PERFORMING ONE OR  
29 MORE ACTIVITIES OF DAILY LIVING OR INSTRUMENTAL ACTIVITIES OF DAILY  
30 LIVING; AND

31 (2) SUBSTANTIALLY LIMITS ONE OR MORE OF THE ENROLLEE'S

1 MAJOR LIFE ACTIVITIES.

2 (B) AN INDIVIDUAL WHO QUALIFIES FOR DISABILITY BENEFITS UNDER  
3 TITLE II OR TITLE XVI OF THE SOCIAL SECURITY ACT IS ENTITLED TO LONG-TERM  
4 SERVICES AND SUPPORTS UNDER HEALTHY MARYLAND.

5 (C) ANY HEALTHY MARYLAND MEMBER WHO RECEIVES OR IS APPROVED  
6 TO RECEIVE BENEFITS UNDER TITLE II OR TITLE XVI OF THE SOCIAL SECURITY  
7 ACT IS ENTITLED TO PAYMENT BY HEALTHY MARYLAND FOR LONG-TERM SERVICES  
8 AND SUPPORTS.

9 (D) LONG-TERM SERVICES AND SUPPORTS SHALL:

10 (1) INCLUDE ANY LONG-TERM NURSING OR MEDICAL SERVICES FOR  
11 THE HEALTHY MARYLAND MEMBER, WHETHER PROVIDED IN AN INSTITUTION OR A  
12 HOME- AND COMMUNITY-BASED SETTING;

13 (2) PROVIDE COVERAGE FOR A BROAD SPECTRUM OF LONG-TERM  
14 SERVICES AND SUPPORTS, INCLUDING FOR HOME- AND COMMUNITY-BASED  
15 SERVICES AND OTHER CARE PROVIDED THROUGH NONINSTITUTIONAL SETTINGS;

16 (3) PROVIDE COVERAGE THAT MEETS THE PHYSICAL, MENTAL, AND  
17 SOCIAL NEEDS OF RECIPIENTS WHILE ALLOWING RECIPIENTS THEIR MAXIMUM  
18 POSSIBLE AUTONOMY AND THEIR MAXIMUM POSSIBLE CIVIC, SOCIAL, AND  
19 ECONOMIC PARTICIPATION;

20 (4) PRIORITIZE HOME- AND COMMUNITY-BASED SERVICES OVER  
21 INSTITUTIONALIZATION;

22 (5) BE PROVIDED WITH A PRESUMPTION THAT RECIPIENTS OF ALL  
23 AGES AND DISABILITIES WILL RECEIVE LONG-TERM SERVICES AND SUPPORTS  
24 THROUGH HOME- AND COMMUNITY-BASED SERVICES UNLESS THE INDIVIDUAL  
25 CHOOSES OTHERWISE;

26 (6) BE PROVIDED WITH THE GOAL OF ENABLING INDIVIDUALS WITH  
27 DISABILITIES TO RECEIVE SERVICES IN THE LEAST RESTRICTIVE AND MOST  
28 INTEGRATED SETTING APPROPRIATE TO THE INDIVIDUAL'S NEEDS;

29 (7) BE PROVIDED IN A MANNER THAT ALLOWS INDIVIDUALS WITH  
30 DISABILITIES TO MAINTAIN THEIR INDEPENDENCE, SELF-DETERMINATION, AND  
31 DIGNITY;

32 (8) PROVIDE LONG-TERM SERVICES AND SUPPORTS THAT ARE OF

1 EQUAL QUALITY AND EQUALLY ACCESSIBLE ACROSS GEOGRAPHIC REGIONS;

2 (9) ENSURE THAT LONG-TERM SERVICES AND SUPPORTS PROVIDE  
3 HEALTHY MARYLAND MEMBERS THE OPTION OF SELF-DIRECTION OF SERVICES;  
4 AND

5 (10) PROVIDE SERVICES TO SUPPORT ACTIVITIES OF DAILY LIVING  
6 AND INSTRUMENTAL ACTIVITIES OF DAILY LIVING FOR INDIVIDUALS WITH  
7 FUNCTION LIMITATIONS, WHETHER PHYSICAL OR COGNITIVE.

8 (E) IN DEVELOPING REGULATIONS TO IMPLEMENT THIS SECTION, THE  
9 BOARD SHALL CONSULT WITH RELEVANT STAKEHOLDERS, INCLUDING:

10 (1) INDIVIDUALS WITH DISABILITIES AND OLDER ADULTS WHO USE  
11 LONG-TERM SERVICES AND SUPPORTS;

12 (2) REPRESENTATIVES OF INDIVIDUALS WITH DISABILITIES OR OF  
13 OLDER ADULTS;

14 (3) GROUPS THAT REPRESENT THE DIVERSITY OF THE POPULATION  
15 OF INDIVIDUALS LIVING WITH DISABILITIES, INCLUDING GENDER, RACIAL, AND  
16 ECONOMIC DIVERSITY;

17 (4) PROVIDERS OF LONG-TERM SERVICES AND SUPPORTS,  
18 INCLUDING FAMILY ATTENDANTS AND FAMILY CAREGIVERS;

19 (5) DISABILITY RIGHTS ORGANIZATIONS;

20 (6) MEMBERS OF ORGANIZED LABOR;

21 (7) SENIOR GROUPS; AND

22 (8) RELEVANT ACADEMIC INSTITUTIONS AND RESEARCHERS.

23 SUBTITLE 7. DELIVERY OF CARE.

24 25-701.

25 (A) (1) ANY HEALTH CARE PROVIDER IS QUALIFIED TO PARTICIPATE IN  
26 HEALTHY MARYLAND IF:

27 (I) THE HEALTH CARE PROVIDER IS LICENSED TO PRACTICE IN  
28 THE STATE AND IS IN GOOD STANDING;

1           **(II) THE HEALTH CARE PROVIDER'S SERVICES ARE PERFORMED**  
2 **WHILE PHYSICALLY PRESENT WITHIN THE STATE;**

3           **(III) THE HEALTH CARE PROVIDER AGREES TO ACCEPT**  
4 **HEALTHY MARYLAND RATES AS PAYMENT IN FULL FOR ALL COVERED SERVICES;**  
5 **AND**

6           **(IV) THE HEALTH CARE PROVIDER HAS FILED WITH THE BOARD**  
7 **A PARTICIPATION AGREEMENT DESCRIBED IN § 25-702 OF THIS SUBTITLE.**

8           **(2) THE BOARD SHALL ESTABLISH AND MAINTAIN PROCEDURES AND**  
9 **STANDARDS FOR RECOGNIZING HEALTH CARE PROVIDERS LOCATED OUTSIDE THE**  
10 **STATE FOR PURPOSES OF PROVIDING COVERAGE UNDER HEALTHY MARYLAND FOR**  
11 **HEALTHY MARYLAND MEMBERS WHO REQUIRE OUT-OF-STATE HEALTH CARE**  
12 **SERVICES WHILE TEMPORARILY LOCATED OUTSIDE THE STATE.**

13           **(B) ANY HEALTH CARE PROVIDER QUALIFIED TO PARTICIPATE UNDER THIS**  
14 **SECTION MAY PROVIDE COVERED HEALTH CARE SERVICES UNDER HEALTHY**  
15 **MARYLAND IF THE HEALTH CARE PROVIDER IS LEGALLY AUTHORIZED TO PERFORM**  
16 **THE HEALTH CARE SERVICE FOR THE INDIVIDUAL UNDER THE CIRCUMSTANCES**  
17 **INVOLVED.**

18           **(C) A HEALTHY MARYLAND MEMBER MAY RECEIVE HEALTH CARE**  
19 **SERVICES UNDER HEALTHY MARYLAND FROM ANY PARTICIPATING HEALTH CARE**  
20 **PROVIDER IF THE RECEIPT OF THE HEALTH CARE SERVICES IS CONSISTENT WITH:**

21           **(1) THE REQUIREMENTS OF THIS SECTION AND ANY PROCEDURES OR**  
22 **STANDARDS ESTABLISHED BY THE BOARD UNDER THIS SECTION;**

23           **(2) THE WILLINGNESS OR AVAILABILITY OF THE PROVIDER TO**  
24 **PROVIDE THE HEALTH CARE SERVICES TO THE HEALTHY MARYLAND MEMBER;**

25           **(3) PROVISIONS OF THIS TITLE RELATING TO DISCRIMINATION; AND**

26           **(4) THE APPROPRIATE CLINICALLY RELEVANT CIRCUMSTANCES AND**  
27 **STANDARDS.**

28           **(D) (1) A HEALTH CARE PROVIDER MAY NOT USE HEALTH INFORMATION**  
29 **TECHNOLOGY OR CLINICAL PRACTICE GUIDELINES THAT LIMIT THE EFFECTIVE**  
30 **EXERCISE OF THE PROFESSIONAL JUDGMENT OF PHYSICIANS, REGISTERED**  
31 **NURSES, OR OTHER HEALTH CARE PROVIDERS OPERATING WITHIN THE SCOPE OF**  
32 **PRACTICE OF THE PROVIDER UNDER THE HEALTH OCCUPATIONS ARTICLE.**

1           **(2) A PHYSICIAN, A REGISTERED NURSE, OR ANY OTHER HEALTH**  
2 **CARE PROVIDER MAY OVERRIDE HEALTH INFORMATION TECHNOLOGY AND**  
3 **CLINICAL PRACTICE GUIDELINES USED BY A HEALTH CARE PROVIDER IF THE**  
4 **OVERRIDE:**

5                   **(I) IS CONSISTENT WITH THE HEALTH CARE PROVIDER'S**  
6 **DETERMINATION OF MEDICAL NECESSITY; AND**

7                   **(II) IN THE PROFESSIONAL JUDGMENT OF THE HEALTH CARE**  
8 **PROVIDER, IS IN THE BEST INTEREST OF THE PATIENT AND CONSISTENT WITH THE**  
9 **PATIENT'S WISHES.**

10           **(E) AN ENTITY MAY NOT FURNISH COVERED ITEMS AND SERVICES UNDER**  
11 **THIS TITLE IF THE ENTITY PROVIDES NO ITEMS AND SERVICES DIRECTLY TO**  
12 **HEALTHY MARYLAND MEMBERS, INCLUDING:**

13                   **(1) ENTITIES THAT ENTER INTO CONTRACTS WITH OTHER ENTITIES**  
14 **OR HEALTH CARE PROVIDERS TO PROVIDE ALL ITEMS AND SERVICES; AND**

15                   **(2) ENTITIES THAT ARE APPROVED TO COORDINATE CARE PLANS**  
16 **UNDER PART C OF TITLE XVIII OF THE SOCIAL SECURITY ACT BUT DO NOT**  
17 **DIRECTLY PROVIDE THE ITEMS AND SERVICES AUTHORIZED BY THE CARE PLANS.**

18 **25-702.**

19           **(A) A HEALTH CARE PROVIDER SHALL ENTER INTO A PARTICIPATION**  
20 **AGREEMENT WITH THE BOARD IN ORDER TO QUALIFY AS A PARTICIPATING**  
21 **PROVIDER UNDER HEALTHY MARYLAND.**

22           **(B) A PARTICIPATION AGREEMENT BETWEEN THE BOARD AND A HEALTH**  
23 **CARE PROVIDER SHALL:**

24                   **(1) REQUIRE THE HEALTH CARE PROVIDER TO PROVIDE SERVICES TO**  
25 **ELIGIBLE INDIVIDUALS WITHOUT DISCRIMINATION, IN ACCORDANCE WITH §**  
26 **25-901(C)(4) OF THIS TITLE;**

27                   **(2) PROHIBIT THE HEALTH CARE PROVIDER FROM CHARGING A**  
28 **HEALTHY MARYLAND MEMBER FOR ANY COVERED SERVICES OTHER THAN FOR**  
29 **PAYMENT AUTHORIZED BY THIS TITLE;**

30                   **(3) REQUIRE THE HEALTH CARE PROVIDER TO PROVIDE**  
31 **INFORMATION REQUESTED BY THE BOARD, IN ACCORDANCE WITH § 25-305 OF THIS**

1 TITLE, FOR:

2 (I) QUALITY REVIEW BY DESIGNATED ENTITIES;

3 (II) MAKING PAYMENTS UNDER THIS TITLE, INCLUDING THE  
4 EXAMINATION OF RECORDS AS MAY BE NECESSARY FOR THE VERIFICATION OF  
5 INFORMATION ON WHICH THE PAYMENTS ARE BASED;

6 (III) STATISTICAL OR OTHER STUDIES REQUIRED FOR THE  
7 IMPLEMENTATION OF THIS TITLE; AND

8 (IV) ANY OTHER PURPOSES REQUIRED BY THE BOARD;

9 (4) FOR A PROVIDER OF SERVICES, PROHIBIT THE PROVIDER OF  
10 SERVICES FROM EMPLOYING OR USING FOR THE PROVISION OF HEALTH SERVICES  
11 ANY INDIVIDUAL HEALTH CARE PROVIDER THAT HAS HAD A PARTICIPATION  
12 AGREEMENT UNDER THIS SUBSECTION TERMINATED FOR CAUSE;

13 (5) FOR A HEALTH CARE PROVIDER PAID ON A FEE-FOR-SERVICE  
14 BASIS FOR ITEMS AND SERVICES PROVIDED UNDER THIS TITLE, REQUIRE THE  
15 PROVIDER TO SUBMIT BILLS AND ANY REQUIRED SUPPORTING DOCUMENTATION  
16 RELATING TO THE PROVISION OF COVERED SERVICES WITHIN 30 DAYS AFTER THE  
17 DATE OF PROVIDING SUCH SERVICES;

18 (6) FOR PROVIDER OF SERVICES PAID IN ACCORDANCE WITH §  
19 25-802 OF THIS TITLE, REQUIRE THE I PROVIDER OF SERVICES TO SUBMIT, IN  
20 ACCORDANCE WITH § 25-305 OF THIS TITLE, INFORMATION ON A QUARTERLY BASIS  
21 THAT:

22 (I) RELATES TO THE PROVISION OF COVERED SERVICES; AND

23 (II) DESCRIBES SERVICES PROVIDED AT A PATIENT LEVEL;

24 (7) FOR A PROVIDER RECEIVING PAYMENT UNDER THIS TITLE BASED  
25 ON DIAGNOSIS-RELATED CODING, PROCEDURE-RELATED CODING, OR ANY OTHER  
26 CODING SYSTEM OR DATA:

27 (I) REQUIRE THE PROVIDER TO DISCLOSE TO THE BOARD:

28 1. ANY CASE MIX INDEXES, DIAGNOSIS CODING  
29 SOFTWARE, PROCEDURE CODING SOFTWARE, OR OTHER CODING SYSTEM USED BY  
30 THE PROVIDER FOR THE PURPOSES OF MEETING PAYMENT, GLOBAL BUDGETING, OR  
31 DISCLOSURE REQUIREMENTS UNDER THIS TITLE; AND

1                   2.     **ANY CASE MIX, DIAGNOSIS CODING GUIDELINES,**  
2 **PROCEDURE CODING GUIDELINES, OR CODING TIP SHEETS USED BY THE PROVIDER**  
3 **FOR THE PURPOSES OF MEETING PAYMENT, GLOBAL BUDGETING, OR DISCLOSURE**  
4 **REQUIREMENTS UNDER THIS TITLE; AND**

5                   **(II)   PROHIBIT THE PROVIDER FROM:**

6                   1.     **USING PROPRIETARY CASE MIX INDEXES, DIAGNOSIS**  
7 **CODING SOFTWARE, PROCEDURE CODING SOFTWARE, OR OTHER CODING**  
8 **SOFTWARE FOR THE PURPOSES OF MEETING PAYMENT, GLOBAL BUDGETING, OR**  
9 **DISCLOSURE REQUIREMENTS UNDER THIS TITLE;**

10                  2.     **REQUIRING ANY HEALTH CARE PROVIDER TO APPLY**  
11 **CASE MIX INDEXES, DIAGNOSIS CODING, PROCEDURE CODING, OR OTHER CODING**  
12 **SYSTEMS IN A MANNER THAT LIMITS THE MEDICAL OR NURSING PROCESS OR LIMITS**  
13 **A TREATING PHYSICIAN’S OR ASSIGNED REGISTERED NURSE’S PROFESSIONAL**  
14 **JUDGMENT IN DETERMINING A DIAGNOSIS, INCLUDING THE USE OF LEADING**  
15 **QUERIES OR PROHIBITIONS ON USING CERTAIN CODES;**

16                  3.     **PROVIDING FINANCIAL INCENTIVES TO PHYSICIANS,**  
17 **REGISTERED NURSES, OR OTHER HEALTH CARE PROVIDERS FOR PARTICULAR**  
18 **CODING RESULTS OR FOR SELECTING CODES WITH HIGHER PAYMENTS;**

19                  4.     **IMPOSING FINANCIAL DISINCENTIVES TO**  
20 **PHYSICIANS, REGISTERED NURSES, OR OTHER HEALTH CARE PROVIDERS FOR**  
21 **PARTICULAR CODING RESULTS OR FOR SELECTING DIAGNOSTIC CODES WITH**  
22 **LOWER PAYMENTS; AND**

23                  5.     **USING CASE MIX INDEXES OR DIAGNOSIS CODING**  
24 **SOFTWARE THAT MAKE SUGGESTIONS FOR HIGHER-SEVERITY DIAGNOSES OR**  
25 **CODING FOR HIGHER-COST PROCEDURES;**

26                  **(8)   REQUIRE THE PROVIDER TO COMPLY WITH THE DUTY OF PATIENT**  
27 **ADVOCACY DESCRIBED IN § 25-902 OF THIS TITLE;**

28                  **(9)   REQUIRE THE PROVIDER TO COMPLY WITH THE PROHIBITIONS**  
29 **AND REQUIREMENTS DESCRIBED IN § 25-703 OF THIS SUBTITLE; AND**

30                  **(10) FOR A PROVIDER OF SERVICES, REQUIRE THE PROVIDER OF**  
31 **SERVICES TO AGREE THAT NO BOARD MEMBER, EXECUTIVE, OR ADMINISTRATOR OF**  
32 **THE PROVIDER OF SERVICES WILL RECEIVE COMPENSATION FROM, OWN STOCK OR**  
33 **HAVE OTHER FINANCIAL INVESTMENTS IN, OR SERVE AS A BOARD MEMBER OF ANY**

1 ENTITY THAT CONTRACTS WITH OR PROVIDES ITEMS OR SERVICES, INCLUDING  
2 PHARMACEUTICAL PRODUCTS AND MEDICAL DEVICES OR EQUIPMENT, TO THE  
3 PROVIDER.

4 (C) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A HEALTH CARE  
5 PROVIDER TO PROVIDE A TYPE OR CLASS OF SERVICES THAT IS OUTSIDE THE SCOPE  
6 OF THE PROVIDER'S NORMAL PRACTICE.

7 25-703.

8 (A) A PARTICIPATING PROVIDER:

9 (1) MAY NOT BILL OR ENTER INTO A PRIVATE CONTRACT WITH AN  
10 INDIVIDUAL ELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM  
11 OR SERVICE THAT IS A BENEFIT DESCRIBED IN SUBTITLE 6 OF THIS TITLE;

12 (2) MAY BILL OR ENTER INTO A PRIVATE CONTRACT WITH AN  
13 INDIVIDUAL ELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM  
14 OR SERVICE THAT IS NOT A BENEFIT DESCRIBED IN SUBTITLE 6 OF THIS TITLE IF:

15 (I) THE CONTRACT AND PARTICIPATING PROVIDER MEET THE  
16 REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION;

17 (II) THE ITEM OR SERVICE IS NOT PAYABLE OR AVAILABLE  
18 UNDER HEALTHY MARYLAND; AND

19 (III) THE PARTICIPATING PROVIDER DOES NOT RECEIVE:

20 1. REIMBURSEMENT UNDER HEALTHY MARYLAND  
21 DIRECTLY OR INDIRECTLY FOR THE ITEM OR SERVICE; AND

22 2. ANY AMOUNT FOR THE ITEM OR SERVICE FROM AN  
23 ORGANIZATION THAT RECEIVES REIMBURSEMENT FOR THE ITEM OR SERVICE  
24 UNDER HEALTHY MARYLAND DIRECTLY OR INDIRECTLY; AND

25 (3) MAY BILL OR ENTER INTO A PRIVATE CONTRACT WITH ANY  
26 INDIVIDUAL INELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM  
27 OR SERVICE.

28 (B) A CONTRACT TO PROVIDE ITEMS AND SERVICES DESCRIBED IN  
29 SUBSECTION (A)(2) OF THIS SECTION:

30 (1) SHALL BE IN WRITING AND SIGNED BY THE INDIVIDUAL OR

1 AUTHORIZED REPRESENTATIVE OF THE INDIVIDUAL RECEIVING THE ITEM OR  
2 SERVICE BEFORE THE ITEM OR SERVICE IS FURNISHED;

3 (2) MAY NOT BE ENTERED INTO AT A TIME WHEN THE INDIVIDUAL IS  
4 FACING AN EMERGENCY HEALTH CARE SITUATION; AND

5 (3) SHALL CLEARLY INDICATE TO THE INDIVIDUAL RECEIVING THE  
6 ITEMS AND SERVICES THAT BY SIGNING THE CONTRACT THE INDIVIDUAL:

7 (i) AGREES NOT TO SUBMIT A CLAIM UNDER HEALTHY  
8 MARYLAND FOR THE ITEMS OR SERVICES;

9 (ii) ACCEPTS RESPONSIBILITY FOR PAYMENT FOR THE ITEMS  
10 OR SERVICES AND UNDERSTANDS THAT NO REIMBURSEMENT WILL BE PROVIDED  
11 UNDER HEALTHY MARYLAND FOR THE ITEMS OR SERVICES;

12 (iii) ACKNOWLEDGES THAT NO LIMITS UNDER HEALTHY  
13 MARYLAND APPLY TO AMOUNTS THAT MAY BE CHARGED FOR THE ITEMS OR  
14 SERVICES; AND

15 (iv) ACKNOWLEDGES THAT THE PARTICIPATING PROVIDER IS  
16 PROVIDING SERVICES OUTSIDE THE SCOPE OF HEALTHY MARYLAND.

17 (c) A PARTICIPATING PROVIDER THAT ENTERS INTO A CONTRACT  
18 DESCRIBED IN SUBSECTION (A)(2) OF THIS SECTION SHALL HAVE IN EFFECT DURING  
19 THE PERIOD AN ITEM OR A SERVICE IS TO BE PROVIDED AN AFFIDAVIT THAT:

20 (1) IDENTIFIES THE PARTICIPATING PROVIDER THAT IS TO FURNISH  
21 THE ITEM OR SERVICE;

22 (2) STATES THAT THE PARTICIPATING PROVIDER WILL NOT SUBMIT  
23 ANY CLAIM UNDER HEALTHY MARYLAND FOR ANY ITEM OR SERVICE PROVIDED TO  
24 ANY INDIVIDUAL ENROLLED UNDER HEALTHY MARYLAND;

25 (3) IS SIGNED BY THE PARTICIPATING PROVIDER; AND

26 (4) IS FILED WITH THE BOARD NOT LATER THAN 10 DAYS AFTER THE  
27 PROVIDER ENTERS INTO THE FIRST CONTRACT TO WHICH THE AFFIDAVIT APPLIES.

28 (d) IF A PROVIDER THAT SIGNS AN AFFIDAVIT DESCRIBED IN SUBSECTION  
29 (c) OF THIS SECTION KNOWINGLY AND WILLFULLY SUBMITS A CLAIM UNDER THIS  
30 TITLE FOR ANY ITEM OR SERVICE PROVIDED OR RECEIVES ANY REIMBURSEMENT OR  
31 AMOUNT FOR AN ITEM OR A SERVICE PROVIDED UNDER A CONTRACT DESCRIBED IN

1 SUBSECTION (A)(2) OF THIS SECTION:

2 (1) THE CONTRACT SHALL BE NULL AND VOID; AND

3 (2) NO PAYMENT SHALL BE MADE UNDER THIS TITLE FOR ANY ITEM  
4 OR SERVICE FURNISHED BY THE PROVIDER DURING THE 1-YEAR PERIOD  
5 BEGINNING ON THE DATE THE AFFIDAVIT WAS SIGNED.

6 25-704.

7 (A) A PROVIDER OF SERVICES OR AN INDIVIDUAL PROVIDER WHO IS NOT A  
8 PARTICIPATING PROVIDER:

9 (1) IF THE CONTRACT MEETS THE REQUIREMENTS OF § 25-703(B) OF  
10 THIS SUBTITLE AND THE PROVIDER MEETS THE REQUIREMENTS OF § 25-703(C) OF  
11 THIS SUBTITLE, MAY BILL OR ENTER INTO ANY PRIVATE CONTRACT WITH ANY  
12 INDIVIDUAL ELIGIBLE FOR BENEFITS UNDER HEALTHY MARYLAND FOR ANY ITEM  
13 OR SERVICE THAT IS A BENEFIT DESCRIBED IN SUBTITLE 6 OF THIS TITLE; AND

14 (2) MAY BILL OR ENTER INTO A PRIVATE CONTRACT WITH ANY  
15 INDIVIDUAL FOR AN ITEM OR A SERVICE THAT IS NOT A BENEFIT UNDER SUBTITLE  
16 6 OF THIS TITLE.

17 (B) A CONTRACT TO PROVIDE ITEMS AND SERVICES DESCRIBED IN  
18 SUBSECTION (A) OF THIS SECTION:

19 (1) SHALL BE IN WRITING AND SIGNED BY THE INDIVIDUAL OR  
20 AUTHORIZED REPRESENTATIVE OF THE INDIVIDUAL RECEIVING THE ITEM OR  
21 SERVICE BEFORE THE ITEM OR SERVICE IS FURNISHED;

22 (2) MAY NOT BE ENTERED INTO AT A TIME WHEN THE INDIVIDUAL IS  
23 FACING AN EMERGENCY HEALTH CARE SITUATION; AND

24 (3) SHALL CLEARLY INDICATE TO THE INDIVIDUAL RECEIVING THE  
25 ITEMS AND SERVICES THAT BY SIGNING THE CONTRACT THE INDIVIDUAL:

26 (I) ACKNOWLEDGES THAT THE INDIVIDUAL HAS THE RIGHT TO  
27 HAVE SUCH ITEMS OR SERVICES PROVIDED UNDER HEALTHY MARYLAND;

28 (II) AGREES NOT TO SUBMIT A CLAIM UNDER THIS TITLE FOR  
29 THE ITEMS OR SERVICES EVEN IF SUCH ITEMS OR SERVICES ARE OTHERWISE  
30 COVERED BY THIS TITLE;

1 (III) AGREES TO BE RESPONSIBLE FOR PAYMENT OF THE ITEMS  
2 OR SERVICES AND UNDERSTANDS THAT NO REIMBURSEMENT WILL BE PROVIDED  
3 UNDER HEALTHY MARYLAND FOR SUCH ITEMS OR SERVICES;

4 (IV) ACKNOWLEDGES THAT NO LIMITS UNDER HEALTHY  
5 MARYLAND APPLY TO AMOUNTS THAT MAY BE CHARGED FOR THE ITEMS OR  
6 SERVICES; AND

7 (V) ACKNOWLEDGES THAT THE PROVIDER IS PROVIDING  
8 SERVICES OUTSIDE HEALTHY MARYLAND.

9 (C) AFTER THE PROVIDER ENTERS INTO A CONTRACT DESCRIBED IN  
10 SUBSECTION (A) OF THIS SECTION SHALL HAVE IN EFFECT DURING THE PERIOD ANY  
11 ITEM OR SERVICE IS TO BE PROVIDED AN AFFIDAVIT THAT:

12 (1) IDENTIFIES THE PROVIDER THAT IS TO FURNISH THE COVERED  
13 ITEM OR SERVICE;

14 (2) STATES THAT THE PROVIDER WILL NOT SUBMIT ANY CLAIM  
15 UNDER HEALTHY MARYLAND FOR ANY COVERED ITEM OR SERVICE PROVIDED TO  
16 ANY INDIVIDUAL ENROLLED UNDER HEALTHY MARYLAND DURING THE 1-YEAR  
17 PERIOD BEGINNING ON THE DATE THE AFFIDAVIT IS SIGNED;

18 (3) IS SIGNED BY THE PROVIDER; AND

19 (4) IS FILED WITH THE BOARD NOT LATER THAN 10 DAYS AFTER  
20 ENTERING INTO THE FIRST CONTRACT TO WHICH THE AFFIDAVIT APPLIES.

21 (D) IF A PROVIDER THAT SIGNS AN AFFIDAVIT DESCRIBED IN SUBSECTION  
22 (C) OF THIS SECTION KNOWINGLY AND WILLFULLY SUBMITS A CLAIM UNDER THIS  
23 TITLE FOR ANY ITEM OR SERVICE PROVIDED OR RECEIVES ANY REIMBURSEMENT OR  
24 AMOUNT FOR AN ITEM OR A SERVICE PROVIDED UNDER A PRIVATE CONTRACT  
25 DESCRIBED IN SUBSECTION (A) OF THIS SECTION:

26 (1) ANY CONTRACT DESCRIBED IN SUBSECTION (A) OF THIS SECTION  
27 SHALL BE NULL AND VOID; AND

28 (2) NO PAYMENT SHALL BE MADE UNDER THIS TITLE FOR ANY ITEM  
29 OR SERVICE FURNISHED BY THE PROVIDER DURING THE 1-YEAR PERIOD  
30 BEGINNING ON THE DATE THE AFFIDAVIT WAS SIGNED.

31 25-705.

1           **(A) A PARTICIPATION AGREEMENT IN EFFECT UNDER § 25-702 OF THIS**  
2 **SUBTITLE MAY BE TERMINATED WITH APPROPRIATE NOTICE:**

3           **(1) BY THE BOARD, FOR FAILURE TO MEET THE REQUIREMENTS OF**  
4 **THIS TITLE; OR**

5           **(2) BY THE PARTICIPATING PROVIDER.**

6           **(B) THE BOARD MAY NOT TERMINATE A PARTICIPATION AGREEMENT OR IN**  
7 **ANY OTHER WAY DISCRIMINATE AGAINST, OR CAUSE TO BE DISCRIMINATED**  
8 **AGAINST, A PARTICIPATING PROVIDER OR AN AUTHORIZED REPRESENTATIVE OF**  
9 **THE PARTICIPATING PROVIDER FOR:**

10           **(1) PROVIDING, OR CAUSING TO BE PROVIDED, TO THE FEDERAL**  
11 **GOVERNMENT, OR THE ATTORNEY GENERAL OF A STATE, INFORMATION RELATING**  
12 **TO A VIOLATION OF, OR AN ACT OR OMISSION THAT THE PARTICIPATING PROVIDER**  
13 **OR AUTHORIZED REPRESENTATIVE REASONABLY BELIEVES TO BE A VIOLATION OF,**  
14 **ANY PROVISION OF THIS TITLE;**

15           **(2) TESTIFYING IN A PROCEEDING ABOUT A VIOLATION DESCRIBED**  
16 **IN ITEM (1) OF THIS SUBSECTION;**

17           **(3) ASSISTING OR PARTICIPATING IN A PROCEEDING DESCRIBED IN**  
18 **ITEM (2) OF THIS SUBSECTION; OR**

19           **(4) OBJECTING TO, OR REFUSING TO PARTICIPATE IN, ANY ACTIVITY,**  
20 **POLICY, PRACTICE, OR ASSIGNED TASK THAT THE PARTICIPATING PROVIDER OR**  
21 **AUTHORIZED REPRESENTATIVE REASONABLY BELIEVES TO BE IN VIOLATION OF**  
22 **ANY PROVISION OF THIS TITLE.**

23           **(C) A PARTICIPATING PROVIDER OR AN AUTHORIZED REPRESENTATIVE OF**  
24 **THE PARTICIPATING PROVIDER THAT BELIEVES THAT THE PARTICIPATING**  
25 **PROVIDER OR AUTHORIZED REPRESENTATIVE HAS BEEN DISCRIMINATED AGAINST**  
26 **IN VIOLATION OF THIS SECTION MAY SEEK RELIEF IN ACCORDANCE WITH TITLE 11,**  
27 **SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**

28 **25-706.**

29           **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
30 **INDICATED.**

31           **(2) “EMPLOYEE” MEANS ANY INDIVIDUAL PERFORMING ACTIVITIES**  
32 **UNDER THIS TITLE ON BEHALF OF AN EMPLOYER.**

1           **(3) “EMPLOYER” MEANS ANY PERSON ENGAGED IN A FOR-PROFIT OR**  
2 **NONPROFIT BUSINESS OR INDUSTRY, INCLUDING ONE OR MORE INDIVIDUALS,**  
3 **PARTNERSHIPS, ASSOCIATIONS, CORPORATIONS, TRUSTS, PROFESSIONAL**  
4 **MEMBERSHIP ORGANIZATIONS, UNINCORPORATED ORGANIZATIONS,**  
5 **NONGOVERNMENTAL ORGANIZATIONS, OR TRUSTEES, AND SUBJECT TO LIABILITY**  
6 **FOR VIOLATING THE PROVISIONS OF THIS TITLE.**

7           **(B) AN EMPLOYER MAY NOT TERMINATE OR OTHERWISE DISCRIMINATE**  
8 **AGAINST AN EMPLOYEE BECAUSE THE EMPLOYEE OR A PERSON ACTING AT THE**  
9 **REQUEST OF THE EMPLOYEE:**

10           **(1) NOTIFIED THE BOARD OR THE EMPLOYEE’S EMPLOYER OF ANY**  
11 **ALLEGED VIOLATION OF THIS TITLE;**

12           **(2) REFUSED TO ENGAGE IN A PRACTICE MADE UNLAWFUL BY THIS**  
13 **TITLE, IF THE EMPLOYEE HAS IDENTIFIED THE ALLEGED UNLAWFUL PRACTICE TO**  
14 **THE EMPLOYER;**

15           **(3) COMMENCED OR CAUSED TO BE COMMENCED, OR PLANS TO**  
16 **COMMENCE OR CAUSE TO BE COMMENCED, A PROCEEDING UNDER THIS TITLE;**

17           **(4) TESTIFIED IN A PROCEEDING ABOUT A VIOLATION OF THIS TITLE;**  
18 **OR**

19           **(5) ASSISTED OR PARTICIPATED, IN ANY MANNER, OR PLANS TO**  
20 **ASSIST OR PARTICIPATE IN ANY MANNER, IN A PROCEEDING OR IN ANY OTHER**  
21 **ACTION TO CARRY OUT THE PURPOSES OF THIS TITLE.**

22           **(C) AN EMPLOYEE WHO ALLEGES THAT AN EMPLOYER ENGAGED IN**  
23 **DISCRIMINATION IN VIOLATION OF SUBSECTION (A) OF THIS SECTION MAY FILE A**  
24 **CIVIL ACTION IN ACCORDANCE WITH TITLE 8 OF THE GENERAL PROVISIONS**  
25 **ARTICLE.**

26           **(D) (1) THE RIGHTS, PRIVILEGES, AND REMEDIES IN THIS SECTION MAY**  
27 **NOT BE WAIVED BY AGREEMENT, POLICY, FORM, OR CONDITION OF EMPLOYMENT.**

28           **(2) THIS SECTION MAY NOT BE CONSTRUED TO:**

29           **(I) DIMINISH THE RIGHTS, PRIVILEGES, OR REMEDIES OF ANY**  
30 **EMPLOYEE UNDER ANY OTHER LAW OR REGULATION, OR UNDER ANY COLLECTIVE**  
31 **BARGAINING AGREEMENT; OR**

1                   **(II) PREEMPT OR DIMINISH ANY OTHER LAW OR REGULATION**  
2 **AGAINST DEMOTION, DISCHARGE, SUSPENSION, THREATS, HARASSMENT,**  
3 **REPRIMAND, RETALIATION, OR ANY OTHER MANNER OF DISCRIMINATION.**

4                   **SUBTITLE 8. PAYMENT FOR HEALTH CARE SERVICES.**

5 **25-801.**

6           **(A) THE BOARD SHALL ADOPT REGULATIONS REGARDING CONTRACTING**  
7 **AND ESTABLISHING PAYMENT METHODOLOGIES FOR COVERED HEALTH CARE**  
8 **SERVICES PROVIDED TO HEALTHY MARYLAND MEMBERS BY PARTICIPATING**  
9 **PROVIDERS.**

10           **(B) PAYMENT RATES UNDER HEALTHY MARYLAND SHALL BE REASONABLE**  
11 **AND REASONABLY RELATED TO:**

12                   **(1) THE COST OF EFFICIENTLY PROVIDING THE HEALTH CARE**  
13 **SERVICE; AND**

14                   **(2) ENSURING AN ADEQUATE AND ACCESSIBLE SUPPLY OF HEALTH**  
15 **CARE SERVICES.**

16           **(C) (1) THE BOARD SHALL PAY A PARTICIPATING PROVIDER THAT IS A**  
17 **PROVIDER OF SERVICES A QUARTERLY GLOBAL BUDGET PAYMENT IN ACCORDANCE**  
18 **WITH § 25-802 OF THIS SUBTITLE.**

19                   **(2) A PARTICIPATING PROVIDER THAT RECEIVES A GLOBAL BUDGET**  
20 **PAYMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL ACCEPT THE**  
21 **PAYMENT AS PAYMENT IN FULL FOR ALL COVERED ITEMS AND SERVICES UNDER**  
22 **HEALTHY MARYLAND, INCLUDING OUTPATIENT OR OTHER CARE PROVIDED BY THE**  
23 **PARTICIPATING PROVIDER.**

24                   **(3) PAYMENT TO INDIVIDUAL PROVIDERS UNDER THIS SECTION MAY**  
25 **NOT INCLUDE PAYMENTS TO INDIVIDUAL PROVIDERS IN SALARIED POSITIONS OF**  
26 **PARTICIPATING PROVIDERS RECEIVING GLOBAL BUDGET PAYMENTS UNDER**  
27 **PARAGRAPH (1) OF THIS SUBSECTION.**

28           **(D) (1) HEALTH CARE SERVICES PROVIDED TO HEALTHY MARYLAND**  
29 **MEMBERS BY PARTICIPATING PROVIDERS WHO ARE INDIVIDUAL PROVIDERS SHALL**  
30 **BE PAID FOR ON A FEE-FOR-SERVICE BASIS UNDER § 25-803 OF THIS SUBTITLE**  
31 **UNLESS AND UNTIL THE BOARD ESTABLISHES ANOTHER PAYMENT METHODOLOGY.**

32                   **(2) THERE IS A REBUTTABLE PRESUMPTION THAT THE MEDICARE**

1 RATE OF REIMBURSEMENT CONSTITUTES A REASONABLE FEE-FOR-SERVICE  
2 PAYMENT RATE.

3 (E) (1) PAYMENT FOR HEALTH CARE SERVICES ESTABLISHED UNDER  
4 THIS SUBTITLE SHALL BE CONSIDERED PAYMENT IN FULL.

5 (2) A PARTICIPATING HEALTH CARE PROVIDER MAY NOT:

6 (I) CHARGE ANY RATE IN EXCESS OF THE PAYMENT  
7 ESTABLISHED UNDER THIS SUBTITLE FOR ANY HEALTH CARE SERVICE PROVIDED  
8 TO A HEALTHY MARYLAND MEMBER; OR

9 (II) EXCEPT AS PROVIDED UNDER A FEDERAL PROGRAM,  
10 SOLICIT OR ACCEPT PAYMENT FROM ANY HEALTHY MARYLAND MEMBER OR THIRD  
11 PARTY FOR ANY HEALTH CARE SERVICE.

12 (3) THIS SECTION DOES NOT PRECLUDE HEALTHY MARYLAND FROM  
13 ACTING AS A PRIMARY OR SECONDARY PAYOR IN CONJUNCTION WITH ANOTHER  
14 THIRD-PARTY PAYOR WHEN ALLOWED BY A FEDERAL PROGRAM.

15 (F) (1) HEALTHY MARYLAND MAY ADOPT, BY REGULATION, PAYMENT  
16 METHODOLOGIES FOR THE PAYMENT OF CAPITAL-RELATED EXPENSES FOR  
17 SPECIFICALLY IDENTIFIED CAPITAL EXPENDITURES INCURRED BY A  
18 PARTICIPATING PROVIDER THAT IS A HEALTH CARE FACILITY AS DEFINED IN §  
19 19-114 OF THIS ARTICLE.

20 (2) ANY CAPITAL-RELATED EXPENSE GENERATED BY A CAPITAL  
21 EXPENDITURE THAT REQUIRES PRIOR APPROVAL BY HEALTHY MARYLAND MUST  
22 HAVE RECEIVED APPROVAL TO BE PAID BY HEALTHY MARYLAND.

23 (3) A PARTICIPATING PROVIDER SEEKING FUNDS FOR CAPITAL  
24 EXPENDITURES SHALL PRESENT A BUDGET FOR REVIEW TO THE BOARD.

25 (4) PRIORITY FOR CAPITAL EXPENDITURES SHALL BE GIVEN TO  
26 PROJECTS THAT ADDRESS A MEDICALLY UNDERSERVED AREA OR POPULATION, OR  
27 SEEK TO ADDRESS HEALTH DISPARITIES DUE TO RACE, ETHNICITY, INCOME, OR  
28 GEOGRAPHIC REGION.

29 (5) THE BOARD MAY NOT PROVIDE FUNDING FOR CAPITAL  
30 EXPENDITURES UNDER THIS SECTION THAT ARE FINANCED DIRECTLY OR  
31 INDIRECTLY THROUGH THE DIVERSION OF HEALTHY MARYLAND FUNDS THAT  
32 RESULTS IN REDUCTIONS IN DIRECT CARE TO PATIENTS, INCLUDING REDUCTIONS  
33 IN REGISTERED NURSING STAFFING PATTERNS AND CHANGES IN EMERGENCY ROOM

1 OR PRIMARY CARE SERVICES OR AVAILABILITY.

2 (G) (1) A PARTICIPATING PROVIDER THAT IS A PROVIDER OF SERVICES  
3 SHALL MAINTAIN SEPARATE ACCOUNTS FOR PAYMENTS MADE UNDER THIS  
4 SUBTITLE FOR OPERATIONS AND CAPITAL EXPENDITURES.

5 (2) A PROVIDER OF SERVICES MAY NOT:

6 (I) USE PAYMENTS MADE FOR OPERATIONS FOR CAPITAL  
7 EXPENDITURES OR FOR PROFIT; OR

8 (II) USE PAYMENTS MADE FOR CAPITAL EXPENDITURES FOR  
9 OPERATIONS.

10 (H) THE BOARD SHALL ESTABLISH PAYMENT METHODOLOGIES AND AN  
11 ANNUAL BUDGET FOR SPECIAL PROJECTS TO BE USED FOR THE CONSTRUCTION OF  
12 NEW FACILITIES, MAJOR EQUIPMENT PURCHASES, AND STAFFING IN RURAL OR  
13 MEDICALLY UNDERSERVED AREAS, AS DEFINED IN § 330(B)(3) OF THE FEDERAL  
14 PUBLIC HEALTH SERVICE ACT, INCLUDING AREAS DESIGNATED AS HEALTH  
15 PROFESSIONAL SHORTAGE AREAS, AS DEFINED IN § 332(A) OF THE FEDERAL  
16 PUBLIC HEALTH SERVICE ACT.

17 (I) THE PAYMENT METHODOLOGIES AND RATES ESTABLISHED BY THE  
18 BOARD UNDER THIS SECTION SHALL INCLUDE A DISTINCT COMPONENT OF  
19 REIMBURSEMENT FOR DIRECT AND INDIRECT GRADUATE MEDICAL EDUCATION.

20 (J) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE BOARD  
21 SHALL ADOPT, BY REGULATION, PAYMENT METHODOLOGIES AND PROCEDURES FOR  
22 PAYING FOR HEALTH CARE SERVICES PROVIDED TO A HEALTHY MARYLAND  
23 MEMBER WHILE THE HEALTHY MARYLAND MEMBER IS TEMPORARILY LOCATED  
24 OUTSIDE THE STATE.

25 (2) THE PAYMENT METHODOLOGIES AND PROCEDURES  
26 ESTABLISHED BY THE BOARD UNDER THIS SUBSECTION SHALL:

27 (I) PROVIDE FOR THE PAYMENT OF HEALTH CARE SERVICES  
28 THAT ARE:

29 1. MEDICALLY NECESSARY AS DETERMINED BY THE  
30 HEALTHY MARYLAND MEMBER'S TREATING PHYSICIAN; AND

31 2. IN ACCORDANCE WITH THE HEALTHY MARYLAND  
32 PROGRAM STANDARDS ESTABLISHED UNDER SUBTITLE 9 OF THIS TITLE AND BY

1 THE BOARD; AND

2 (II) PROVIDE FOR THE PAYMENT OF HEALTH CARE SERVICES  
3 PROVIDED BY A HEALTHY MARYLAND MEMBER'S TREATING PHYSICIAN AS AN  
4 APPROVED HEALTH CARE PROVIDER UNDER § 25-701 OF THIS TITLE.

5 25-802.

6 (A) THIS SECTION APPLIES ONLY WITH RESPECT TO A PARTICIPATING  
7 PROVIDER THAT IS A PROVIDER OF SERVICES.

8 (B) (1) NOT LATER THAN THE BEGINNING OF EACH FISCAL QUARTER  
9 DURING WHICH A PARTICIPATING PROVIDER IS TO FURNISH ITEMS AND SERVICES  
10 UNDER HEALTHY MARYLAND, THE BOARD SHALL PAY TO THE PROVIDER OF  
11 SERVICES A GLOBAL BUDGET PAYMENT IN ACCORDANCE WITH THIS SECTION.

12 (2) A GLOBAL BUDGET PAYMENT UNDER THIS SECTION IS PAYMENT  
13 IN FULL FOR ALL OPERATING EXPENSES OF A PROVIDER OF SERVICES FOR THE  
14 QUARTER.

15 (3) THE BOARD, ON A QUARTERLY BASIS, SHALL:

16 (I) REVIEW WHETHER THE REQUIREMENTS OF THE  
17 PARTICIPATING PROVIDER'S PARTICIPATION AGREEMENT AND GLOBAL BUDGET  
18 NEGOTIATED UNDER THIS SECTION HAVE BEEN PERFORMED; AND

19 (II) DETERMINE WHETHER ADJUSTMENTS TO THE  
20 PARTICIPATING PROVIDER'S PAYMENT ARE WARRANTED.

21 (4) THE BOARD MAY AUTHORIZE A PARTICIPATING PROVIDER WHO IS  
22 AN INDIVIDUAL PROVIDER WHO PROVIDES ITEMS AND SERVICES AS A  
23 PARTICIPATING PROVIDER THAT IS A PROVIDER OF SERVICES TO BE PAID THROUGH  
24 A GLOBAL BUDGET NEGOTIATED UNDER THIS SECTION INSTEAD OF PAYMENT  
25 UNDER § 25-803 OF THIS SUBTITLE.

26 (5) A PARTICIPATING PROVIDER WHO IS AN INDIVIDUAL PROVIDER  
27 WHO RECEIVES PAYMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION:

28 (I) SHALL BE PAID A SALARY THAT IS COMPARABLE TO THE  
29 SALARY FOR A PROVIDER WHO IS AN EMPLOYEE OF THE PROVIDER OF SERVICES;  
30 AND

31 (II) IS SUBJECT TO THE SAME REPORTING AND DISCLOSURE

1 REQUIREMENTS AS THE PROVIDER OF SERVICES.

2 (C) (1) BEFORE THE START OF A FISCAL YEAR, THE BOARD AND A  
3 PARTICIPATING PROVIDER SHALL NEGOTIATE THE AMOUNT OF EACH GLOBAL  
4 BUDGET PAYMENT FOR THAT FISCAL YEAR.

5 (2) THE AMOUNT NEGOTIATED UNDER PARAGRAPH (1) OF THIS  
6 SUBSECTION SHALL TAKE INTO ACCOUNT, FOR EACH PARTICIPATING PROVIDER:

7 (I) THE VOLUME OF SERVICES PROVIDED IN THE IMMEDIATELY  
8 PRECEDING 3-YEAR PERIOD;

9 (II) THE ACTUAL EXPENDITURES OF THE PROVIDER OF  
10 SERVICES FOR EACH ITEM AND SERVICE, AS COMPARED TO:

11 1. OTHER PROVIDERS OF SERVICES WITHIN THE  
12 MARKET OF THE PROVIDER OF SERVICES; OR

13 2. COMPARATIVE PAYMENT RATE SYSTEMS DESCRIBED  
14 UNDER SUBSECTION (F) OF THIS SECTION FOR THE ITEMS AND SERVICES  
15 FURNISHED BY THE PROVIDER;

16 (III) EXPENDITURES OF SIMILARLY SITUATED PROVIDERS OF  
17 SERVICES;

18 (IV) PROJECTED CHANGES IN THE VOLUME AND TYPE OF ITEMS  
19 AND SERVICES TO BE FURNISHED;

20 (V) WAGES FOR EMPLOYEES, INCLUDING NECESSARY  
21 INCREASES TO ENSURE MINIMUM SAFE REGISTERED NURSE-TO-PATIENT STAFFING  
22 RATIOS AND OPTIMAL STAFFING LEVELS FOR PHYSICIANS AND OTHER HEALTH  
23 CARE WORKERS;

24 (VI) THE PROVIDER'S MAXIMUM CAPACITY TO PROVIDE ITEMS  
25 AND SERVICES;

26 (VII) EDUCATION AND PREVENTION PROGRAMS;

27 (VIII) PERMISSIBLE ADJUSTMENTS TO THE OPERATING BUDGET  
28 DUE TO FACTORS, INCLUDING:

29 1. INCREASING PRIMARY AND SPECIALTY CARE ACCESS;

- 1                                   2.     **DECREASING DISPARITIES IN RURAL OR MEDICALLY**  
2 **UNDERSERVED AREAS;**
- 3                                   3.     **RESPONDING TO EMERGENT EPIDEMIC CONCERNS;**  
4 **AND**
- 5                                   4.     **PROPOSED NEW AND INNOVATIVE PATIENT CARE**  
6 **PROGRAMS AT THE INSTITUTIONAL LEVEL; AND**
- 7                                   **(IX) ANY OTHER FACTOR DETERMINED APPROPRIATE BY THE**  
8 **BOARD.**

9           **(D) IN ADDITION TO THE LIMITATIONS AND REQUIREMENTS DESCRIBED IN**  
10 **§ 25-804 OF THIS SUBTITLE, PAYMENT AMOUNTS NEGOTIATED UNDER THIS**  
11 **SECTION MAY NOT:**

12                   **(1) TAKE INTO ACCOUNT CAPITAL EXPENDITURES OR ANY OTHER**  
13 **EXPENDITURE NOT DIRECTLY ASSOCIATED WITH THE PROVISION OF ITEMS AND**  
14 **SERVICES BY THE PARTICIPATING PROVIDER TO AN INDIVIDUAL;**

15                   **(2) BE USED BY A PARTICIPATING PROVIDER FOR CAPITAL**  
16 **EXPENDITURES;**

17                   **(3) EXCEED THE PARTICIPATING PROVIDER'S CAPACITY TO PROVIDE**  
18 **CARE; AND**

19                   **(4) BE USED TO PAY OR OTHERWISE COMPENSATE ANY BOARD**  
20 **MEMBER, EXECUTIVE, OR ADMINISTRATOR OF THE PARTICIPATING PROVIDER WHO**  
21 **HAS AN INTEREST OR RELATIONSHIP THAT IS PROHIBITED UNDER THIS TITLE.**

22           **(E) OPERATING EXPENSES OF A PARTICIPATING PROVIDER MAY INCLUDE:**

23                   **(1) THE COST OF ALL SERVICES ASSOCIATED WITH THE PROVISION**  
24 **OF INPATIENT CARE AND OUTPATIENT CARE, INCLUDING:**

25                                   **(I) WAGES AND SALARY COSTS FOR PHYSICIANS, NURSES, AND**  
26 **OTHER HEALTH CARE PROVIDERS EMPLOYED BY A PARTICIPATING PROVIDER;**

27                                   **(II) WAGES AND SALARY COSTS FOR ALL OTHER STAFF AND**  
28 **SERVICES;**

29                                   **(III) COSTS OF ALL PHARMACEUTICAL PRODUCTS**  
30 **ADMINISTERED BY HEALTH CARE PROVIDERS AT THE PARTICIPATING PROVIDER'S**

1 FACILITIES OR THROUGH SERVICES PROVIDED IN ACCORDANCE WITH STATE  
2 LICENSING LAWS OR REGULATIONS UNDER WHICH THE PARTICIPATING PROVIDER  
3 OPERATES;

4 (IV) PURCHASING AND MAINTENANCE OF MEDICAL DEVICES,  
5 SUPPLIES, AND OTHER HEALTH CARE TECHNOLOGIES, INCLUDING DIAGNOSTIC  
6 TESTING EQUIPMENT;

7 (V) COSTS OF ALL INCIDENTAL SERVICES NECESSARY FOR SAFE  
8 PATIENT CARE; AND

9 (VI) COSTS OF PATIENT CARE PROGRAMS, EDUCATION  
10 PROGRAMS, AND PREVENTION PROGRAMS, INCLUDING OCCUPATIONAL HEALTH  
11 AND SAFETY PROGRAMS AND PUBLIC HEALTH PROGRAMS, FOR THE CONTINUED  
12 EDUCATION AND HEALTH AND SAFETY OF HEALTH CARE PROVIDERS AND OTHER  
13 INDIVIDUALS EMPLOYED BY THE PROVIDER OF SERVICES; AND

14 (2) ADMINISTRATIVE COSTS FOR THE PROVIDER OF SERVICES.

15 (F) (1) THE BOARD SHALL USE THE EXISTING MEDICARE PROSPECTIVE  
16 PAYMENT SYSTEMS ESTABLISHED UNDER TITLE XVIII OF THE SOCIAL SECURITY  
17 ACT TO SERVE AS THE COMPARATIVE PAYMENT RATE SYSTEM IN GLOBAL BUDGET  
18 NEGOTIATIONS DESCRIBED IN THIS SECTION.

19 (2) THE BOARD SHALL UPDATE THE COMPARATIVE PAYMENT RATE  
20 SYSTEM ANNUALLY.

21 (3) IN DEVELOPING THE COMPARATIVE PAYMENT RATE SYSTEM, THE  
22 BOARD SHALL USE ONLY THE OPERATING BASE PAYMENT RATES UNDER EACH  
23 MEDICARE PROSPECTIVE PAYMENT SYSTEM WITH APPLICABLE ADJUSTMENTS.

24 (4) THE COMPARATIVE PAYMENT RATE SYSTEM ESTABLISHED UNDER  
25 THIS SUBSECTION MAY NOT INCLUDE THE VALUE-BASED PAYMENT ADJUSTMENTS  
26 AND THE CAPITAL EXPENSES BASE PAYMENT RATES THAT MAY BE INCLUDED IN A  
27 MEDICARE PROSPECTIVE PAYMENT SYSTEM.

28 (5) IN THE FIRST YEAR THAT GLOBAL BUDGET PAYMENTS UNDER  
29 HEALTHY MARYLAND ARE AVAILABLE TO PARTICIPATING PROVIDERS AND FOR THE  
30 PURPOSES OF SELECTING A COMPARATIVE PAYMENT RATE SYSTEM USED DURING  
31 INITIAL GLOBAL BUDGET NEGOTIATIONS FOR EACH PARTICIPATING PROVIDER, THE  
32 BOARD SHALL:

33 (I) TAKE INTO ACCOUNT THE APPROPRIATE PROSPECTIVE

1 PAYMENT SYSTEM FROM THE MOST RECENT YEAR UNDER TITLE XVIII OF THE  
2 SOCIAL SECURITY ACT;

3 (II) USE THE PROSPECTIVE PAYMENT SYSTEM IDENTIFIED IN  
4 ITEM (I) OF THIS PARAGRAPH TO DETERMINE THE OPERATING BASE PAYMENT THAT  
5 THE PARTICIPATING PROVIDER WOULD HAVE BEEN PAID FOR COVERED ITEMS AND  
6 SERVICES FURNISHED BY THE PARTICIPATING PROVIDER DURING THE PRECEDING  
7 YEAR; AND

8 (III) APPLY APPLICABLE ADJUSTMENTS BASED ON THE  
9 PROSPECTIVE PAYMENT SYSTEM IDENTIFIED IN ITEM (I) OF THIS PARAGRAPH,  
10 EXCLUDING VALUE-BASED PAYMENT ADJUSTMENTS.

11 25-803.

12 (A) HEALTHY MARYLAND SHALL ENGAGE IN GOOD FAITH NEGOTIATIONS  
13 WITH HEALTH CARE PROVIDER REPRESENTATIVES UNDER SUBTITLE 12 OF THIS  
14 TITLE ON:

15 (1) FEE-FOR-SERVICE RATES OF PAYMENT FOR HEALTH CARE  
16 SERVICES;

17 (2) RATES OF PAYMENT FOR PRESCRIPTION AND NONPRESCRIPTION  
18 DRUGS; AND

19 (3) PAYMENT METHODOLOGIES.

20 (B) THE NEGOTIATIONS REQUIRED UNDER SUBSECTION (A) OF THIS  
21 SECTION SHALL BE CONDUCTED ANNUALLY THROUGH A SINGLE ENTITY ON BEHALF  
22 OF HEALTHY MARYLAND FOR PRESCRIPTION AND NONPRESCRIPTION DRUGS.

23 (C) (1) THE BOARD SHALL ESTABLISH A PRESCRIPTION DRUG  
24 FORMULARY.

25 (2) THE FORMULARY ESTABLISHED UNDER THIS SUBSECTION SHALL:

26 (I) DISCOURAGE THE USE OF INEFFECTIVE, DANGEROUS, OR  
27 EXCESSIVELY COSTLY MEDICATIONS WHEN BETTER ALTERNATIVES ARE AVAILABLE;  
28 AND

29 (II) PROMOTE THE USE OF GENERIC MEDICATIONS TO THE  
30 GREATEST EXTENT POSSIBLE.

1           **(3) CLINICIANS AND PATIENTS MAY PETITION THE BOARD TO ADD**  
2 **NEW PHARMACEUTICALS OR TO REMOVE INEFFECTIVE OR DANGEROUS**  
3 **MEDICATIONS FROM THE FORMULARY.**

4           **(4) THE BOARD SHALL DEVELOP AND IMPLEMENT RULES**  
5 **REGARDING THE USE OF OFF-FORMULARY MEDICATIONS WHICH ALLOW FOR**  
6 **PATIENT ACCESS BUT DO NOT COMPROMISE THE FORMULARY.**

7           **(D) THE BOARD SHALL:**

8                   **(1) ESTABLISH FEE-FOR-SERVICE RATES OF PAYMENT THAT ARE**  
9 **FAIR AND OPTIMAL; AND**

10                   **(2) UPDATE THE FEE SCHEDULE ANNUALLY.**

11           **(E) IN THE FIRST YEAR THAT FEE-FOR-SERVICE PAYMENTS UNDER**  
12 **HEALTHY MARYLAND ARE AVAILABLE TO INDIVIDUAL PROVIDERS, THE**  
13 **FEE-FOR-SERVICE REIMBURSEMENTS AVAILABLE UNDER THE MEDICARE**  
14 **PROGRAM IN EFFECT AT THE TIME SHALL BE THE BASIS FOR NEGOTIATION OF FEES**  
15 **FOR ALL ITEMS AND SERVICES COVERED UNDER THIS TITLE.**

16 **25-804.**

17           **PAYMENTS TO PARTICIPATING PROVIDERS UNDER THIS SUBTITLE MAY NOT**  
18 **TAKE INTO ACCOUNT, ALLOW, OR INCLUDE ANY PROCESS FOR THE PROVISION OF**  
19 **FUNDING FOR:**

20                   **(1) MARKETING OF THE PARTICIPATING PROVIDER;**

21                   **(2) THE PARTICIPATING PROVIDER'S PROFIT, REVENUE, OR**  
22 **FINANCIAL STANDING, OR INCREASING THE PARTICIPATING PROVIDER'S PROFIT,**  
23 **REVENUE, OR FINANCIAL STANDING;**

24                   **(3) INCENTIVE PAYMENTS, BONUSES, OR OTHER COMPENSATION**  
25 **BASED ON PATIENT UTILIZATION OF ITEMS OR SERVICES OR ANY OTHER FINANCIAL**  
26 **MEASURE APPLIED WITH RESPECT TO THE PARTICIPATING PROVIDER OR ANY**  
27 **GROUP PRACTICE, CLINICALLY INTEGRATED ORGANIZATION, OR OTHER ENTITY**  
28 **WITH WHICH THE PARTICIPATING PROVIDER CONTRACTS OR HAS A PECUNIARY**  
29 **INTEREST, INCLUDING ANY VALUE-BASED PAYMENT OR EMPLOYMENT-BASED**  
30 **COMPENSATION; OR**

31                   **(4) ANY AGREEMENT OR ARRANGEMENT DESCRIBED IN § 203(A)(4)**  
32 **OF THE FEDERAL LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF**

1 1959.

2 SUBTITLE 9. PROGRAM STANDARDS.

3 25-901.

4 (A) HEALTHY MARYLAND SHALL HAVE A SINGLE STANDARD OF SAFE,  
5 THERAPEUTIC, AND EFFECTIVE CARE FOR ALL RESIDENTS OF THE STATE.

6 (B) THE BOARD SHALL ESTABLISH REQUIREMENTS AND STANDARDS, BY  
7 REGULATION, FOR HEALTHY MARYLAND AND HEALTH CARE PROVIDERS THAT ARE  
8 CONSISTENT WITH THIS TITLE AND THE APPLICABLE PROFESSIONAL PRACTICE AND  
9 LICENSURE STANDARDS FOR HEALTH CARE PROVIDERS ESTABLISHED UNDER  
10 TITLE 19 OF THIS ARTICLE, THE HEALTH OCCUPATIONS ARTICLE, AND THE  
11 INSURANCE ARTICLE, INCLUDING REQUIREMENTS AND STANDARDS, AS  
12 APPLICABLE, FOR:

13 (1) THE SCOPE, QUALITY, AND ACCESSIBILITY OF HEALTH CARE  
14 SERVICES; AND

15 (2) RELATIONS BETWEEN HEALTH CARE PROVIDERS AND HEALTHY  
16 MARYLAND MEMBERS.

17 (C) THE BOARD SHALL ESTABLISH REQUIREMENTS AND STANDARDS, BY  
18 REGULATION, FOR HEALTHY MARYLAND THAT INCLUDE PROVISIONS TO PROMOTE:

19 (1) SIMPLIFICATION, TRANSPARENCY, UNIFORMITY, AND FAIRNESS  
20 IN HEALTH CARE PROVIDER CREDENTIALING AND PARTICIPATION, REFERRALS,  
21 PAYMENT PROCEDURES AND RATES, CLAIMS PROCESSING, AND APPROVAL OF  
22 HEALTH CARE SERVICES, AS APPLICABLE;

23 (2) IN-PERSON PRIMARY AND PREVENTIVE CARE, CARE  
24 COORDINATION, EFFICIENT AND EFFECTIVE HEALTH CARE SERVICES, QUALITY  
25 ASSURANCE, AND PROMOTION OF PUBLIC, ENVIRONMENTAL, AND OCCUPATIONAL  
26 HEALTH;

27 (3) ELIMINATION OF HEALTH CARE DISPARITIES, INCLUDING  
28 GEOGRAPHIC, RACIAL, INCOME-BASED, GENDER-BASED, SEX-BASED, AND OTHER  
29 DISPARITIES;

30 (4) CONSISTENT WITH TITLE 20 OF THE STATE GOVERNMENT  
31 ARTICLE, TITLE 19 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, AND  
32 OTHER NONDISCRIMINATION LAWS, NONDISCRIMINATION, INCLUDING A

1 PROHIBITION ON DISCRIMINATORY REDUCTION OF BENEFITS, WITH RESPECT TO  
2 HEALTHY MARYLAND MEMBERS AND HEALTH CARE PROVIDERS ON THE BASIS OF  
3 RACE, COLOR, RELIGION OR CREED, SEX, AGE, ANCESTRY OR NATIONAL ORIGIN,  
4 MARITAL STATUS, MENTAL OR PHYSICAL DISABILITY, SEXUAL ORIENTATION,  
5 GENDER IDENTITY OR EXPRESSION, CITIZENSHIP, IMMIGRATION STATUS, PRIMARY  
6 LANGUAGE, MEDICAL CONDITION, GENETIC INFORMATION, FAMILIAL STATUS,  
7 MILITARY OR VETERAN STATUS, OR SOURCE OF INCOME;

8 (5) THE PROVISION OF HEALTH CARE SERVICES UNDER HEALTHY  
9 MARYLAND THAT ARE APPROPRIATE TO THE PATIENT'S CLINICALLY RELEVANT  
10 CIRCUMSTANCES;

11 (6) ACCESSIBILITY OF PRIMARY CARE AND OTHER HEALTH CARE  
12 SERVICES, INCLUDING ACCESSIBILITY FOR PEOPLE WITH DISABILITIES AND PEOPLE  
13 WITH LIMITED ABILITY TO SPEAK OR UNDERSTAND ENGLISH; AND

14 (7) THE PROVISION OF PRIMARY CARE AND OTHER HEALTH CARE  
15 SERVICES IN A CULTURALLY COMPETENT MANNER.

16 (D) THE BOARD SHALL ESTABLISH REQUIREMENTS AND STANDARDS, BY  
17 REGULATION AND TO THE EXTENT AUTHORIZED BY FEDERAL LAW, FOR REPLACING  
18 AND MERGING WITH HEALTHY MARYLAND ANY HEALTH CARE SERVICES AND  
19 ANCILLARY SERVICES CURRENTLY PROVIDED BY OTHER PROGRAMS, INCLUDING:

20 (1) MEDICARE;

21 (2) THE AFFORDABLE CARE ACT; AND

22 (3) FEDERALLY MATCHED PUBLIC HEALTH PROGRAMS.

23 (E) (1) ANY PARTICIPATING PROVIDER THAT IS ORGANIZED AS A  
24 NONPROFIT ENTITY MAY NOT RECEIVE PAYMENTS FOR ITEMS OR SERVICES  
25 FURNISHED UNDER HEALTHY MARYLAND TO ACCOMMODATE INCREASES IN NET  
26 INCOME.

27 (2) ANY PARTICIPATING PROVIDER THAT IS ORGANIZED AS A  
28 FOR-PROFIT ENTITY SHALL BE REQUIRED TO MEET THE SAME REQUIREMENTS AND  
29 STANDARDS AS ENTITIES ORGANIZED AS NONPROFIT ENTITIES.

30 (3) PAYMENTS UNDER HEALTHY MARYLAND TO FOR-PROFIT  
31 ENTITIES MAY NOT BE CALCULATED TO ACCOMMODATE THE GENERATION OF  
32 PROFIT, EXCESS REVENUE, REVENUE FOR DIVIDENDS, OR OTHER RETURN ON  
33 INVESTMENT OR THE PAYMENT OF TAXES THAT WOULD NOT BE PAID BY A

1 NONPROFIT ENTITY.

2 (F) (1) A HEALTH CARE PROVIDER WHO PARTICIPATES IN HEALTHY  
3 MARYLAND SHALL:

4 (I) PROVIDE INFORMATION AS REQUIRED BY:

5 1. THE MARYLAND HEALTH CARE COMMISSION;

6 2. THE HEALTH SERVICES COST REVIEW COMMISSION;

7 AND

8 3. THE DEPARTMENT; AND

9 (II) ALLOW EXAMINATION OF THE INFORMATION BY HEALTHY  
10 MARYLAND AS MAY BE REASONABLY REQUIRED FOR PURPOSES OF REVIEWING  
11 ACCESSIBILITY AND UTILIZATION OF HEALTH CARE SERVICES, QUALITY  
12 ASSURANCE, COST CONTAINMENT, THE MAKING OF PAYMENTS, AND STATISTICAL OR  
13 OTHER STUDIES OF THE OPERATION OF HEALTHY MARYLAND OR FOR PROTECTION  
14 AND PROMOTION OF PUBLIC, ENVIRONMENTAL, AND OCCUPATIONAL HEALTH.

15 (2) THE BOARD SHALL USE DATA COLLECTED UNDER THIS  
16 SUBSECTION TO ENSURE THAT CLINICAL PRACTICES MEET THE UTILIZATION,  
17 QUALITY, AND ACCESS STANDARDS OF HEALTHY MARYLAND.

18 (G) IN DEVELOPING REQUIREMENTS AND STANDARDS AND MAKING OTHER  
19 POLICY DETERMINATIONS UNDER THIS TITLE, THE BOARD SHALL CONSULT WITH  
20 REPRESENTATIVES OF HEALTHY MARYLAND MEMBERS, HEALTH CARE PROVIDERS,  
21 LABOR ORGANIZATIONS REPRESENTING HEALTH CARE EMPLOYEES, AND OTHER  
22 INTERESTED PARTIES.

23 25-902.

24 (A) AS PART OF A HEALTH CARE PROVIDER'S DUTY TO EXERCISE A  
25 PROFESSIONAL STANDARD OF CARE WHEN EVALUATING EACH INDIVIDUAL  
26 PATIENT'S MEDICAL CONDITION, A HEALTH CARE PROVIDER UNDER HEALTHY  
27 MARYLAND HAS A DUTY:

28 (1) TO ADVOCATE FOR MEDICALLY NECESSARY HEALTH CARE FOR  
29 EACH OF THE HEALTH CARE PROVIDER'S INDIVIDUAL PATIENTS; AND

30 (2) TO ACT IN THE EXCLUSIVE INTEREST OF EACH OF THE HEALTH  
31 CARE PROVIDER'S INDIVIDUAL PATIENTS.

1           **(B) CONSISTENT WITH SUBSECTION (A) OF THIS SECTION AND WITH**  
2 **PROFESSIONAL STANDARDS OF CARE UNDER THE HEALTH OCCUPATIONS ARTICLE:**

3           **(1) A PATIENT'S TREATING PHYSICIAN OR OTHER HEALTH CARE**  
4 **PROVIDER WHO, ACCORDING TO THE HEALTH CARE PROVIDER'S SCOPE OF**  
5 **PRACTICE AND LICENSE, IS AUTHORIZED TO ESTABLISH A MEDICAL DIAGNOSIS IS**  
6 **RESPONSIBLE FOR THE DETERMINATION OF THE HEALTH CARE SERVICES**  
7 **MEDICALLY NECESSARY FOR THE PATIENT;**

8           **(2) A HEALTH CARE PROVIDER:**

9           **(I) SHALL USE REASONABLE CARE AND DILIGENCE IN**  
10 **SAFEGUARDING THE HEALTH CARE PROVIDER'S PATIENT; AND**

11           **(II) MAY NOT IMPAIR A HEALTH CARE PROVIDER'S DUTY UNDER**  
12 **SUBSECTION (A) OF THIS SECTION;**

13           **(3) ANY PECUNIARY INTEREST OR RELATIONSHIP OF A HEALTH CARE**  
14 **PROVIDER, INCLUDING ANY INTEREST OR RELATIONSHIP DISCLOSED UNDER**  
15 **SUBSECTION (C) OF THIS SECTION, THAT IMPAIRS THE HEALTH CARE PROVIDER'S**  
16 **OWN ABILITY TO PROVIDE MEDICALLY NECESSARY HEALTH CARE TO THE HEALTH**  
17 **CARE PROVIDER'S PATIENT VIOLATES THE HEALTH CARE PROVIDER'S DUTY TO**  
18 **ADVOCATE FOR MEDICALLY NECESSARY HEALTH CARE FOR THE PATIENT; AND**

19           **(4) A HEALTH CARE PROVIDER VIOLATES THE DUTY TO PROVIDE**  
20 **MEDICALLY NECESSARY CARE UNDER THIS SECTION IF THE HEALTH CARE**  
21 **PROVIDER ACCEPTS ANY BONUS, INCENTIVE PAYMENT, OR COMPENSATION BASED**  
22 **ON:**

23           **(I) A PATIENT'S UTILIZATION OF SERVICES; OR**

24           **(II) THE FINANCIAL RESULTS OF ANY OTHER HEALTH CARE**  
25 **PROVIDER OR CARE COORDINATOR WITH WHICH THE HEALTH CARE PROVIDER HAS**  
26 **A PECUNIARY INTEREST OR CONTRACTUAL RELATIONSHIP, INCLUDING**  
27 **EMPLOYMENT OR ANY OTHER COMPENSATION-BASED RELATIONSHIP.**

28           **(C) TO EVALUATE AND REVIEW COMPLIANCE BY HEALTH CARE PROVIDERS**  
29 **WITH THIS SECTION, HEALTH CARE PROVIDERS PARTICIPATING IN HEALTHY**  
30 **MARYLAND SHALL REPORT, AT LEAST ANNUALLY, TO THE HEALTH SERVICES COST**  
31 **REVIEW COMMISSION:**

32           **(1) ANY BENEFICIAL INTEREST OR COMPENSATION ARRANGEMENT**

1 REQUIRED TO BE DISCLOSED TO A PATIENT UNDER § 1-303 OR § 1-304 OF THE  
2 HEALTH OCCUPATIONS ARTICLE;

3 (2) ANY MEMBERSHIP, PROPRIETARY INTEREST, OR CO-OWNERSHIP  
4 IN ANY FORM IN OR WITH A CLINICAL OR BIOANALYTICAL LABORATORY;

5 (3) ANY PAYMENTS TO A CLINICAL OR BIOANALYTICAL LABORATORY  
6 REQUIRED TO BE DISCLOSED TO A PATIENT UNDER § 14-404(A)(16) OF THE HEALTH  
7 OCCUPATIONS ARTICLE;

8 (4) ANY PROFIT-SHARING ARRANGEMENT WITH A CLINICAL OR  
9 BIOANALYTICAL LABORATORY;

10 (5) ANY CONTRACTS OR SUBCONTRACTS ENTERED INTO:

11 (I) THAT CONTAIN INCENTIVE PLANS;

12 (II) THAT INVOLVE GENERAL PAYMENTS THAT ARE NOT TIED TO  
13 SPECIFIC MEDICAL DECISIONS INVOLVING SPECIFIC ENROLLEES OR GROUPS OF  
14 ENROLLEES WITH SIMILAR MEDICAL CONDITIONS; OR

15 (III) UNDER § 15-113 OF THE INSURANCE ARTICLE;

16 (6) ANY BONUS, INCENTIVE AGREEMENTS, OR COMPENSATION  
17 ARRANGEMENTS WITH ANY HEALTH CARE PROVIDER;

18 (7) ANY BONUS, INCENTIVE AGREEMENTS, OR COMPENSATION  
19 ARRANGEMENTS WITH A CLINICALLY INTEGRATED ORGANIZATION AS DEFINED IN §  
20 15-1901 OF THE INSURANCE ARTICLE; AND

21 (8) ANY OFFER, DELIVERY, RECEIPT, OR ACCEPTANCE OF A REBATE,  
22 REFUND, COMMISSION, PREFERENCE, PATRONAGE DIVIDEND, DISCOUNT, OR OTHER  
23 CONSIDERATION FOR A REFERRAL MADE UNDER § 1-302(D) OF THE HEALTH  
24 OCCUPATIONS ARTICLE.

25 (D) AS NECESSARY, THE BOARD MAY ADOPT RULES AND REGULATIONS:

26 (1) TO IMPLEMENT AND ENFORCE THIS SECTION; AND

27 (2) TO EXPAND REPORTING REQUIREMENTS UNDER THIS SECTION.

1 25-1001.

2 (A) THE BOARD SHALL SEEK ALL FEDERAL WAIVERS AND OTHER FEDERAL  
3 APPROVALS AND ARRANGEMENTS AND SUBMIT STATE PLAN AMENDMENTS AS  
4 NECESSARY TO OPERATE HEALTHY MARYLAND CONSISTENT WITH THIS TITLE.

5 (B) (1) ON OR BEFORE DECEMBER 1, 2023, THE BOARD SHALL APPLY TO  
6 THE U.S. SECRETARY OF HEALTH AND HUMAN SERVICES OR ANY OTHER  
7 APPROPRIATE FEDERAL OFFICIAL FOR ALL WAIVERS OF REQUIREMENTS, AND MAKE  
8 OTHER ARRANGEMENTS, UNDER MEDICARE, ANY FEDERALLY MATCHED PUBLIC  
9 HEALTH PROGRAM, THE AFFORDABLE CARE ACT, AND ANY OTHER FEDERAL  
10 PROGRAMS RELATED TO THE PROVISION OF HEALTH CARE THAT PROVIDE FEDERAL  
11 FUNDS FOR PAYMENT FOR HEALTH CARE SERVICES THAT ARE NECESSARY:

12 (I) TO ENABLE ALL HEALTHY MARYLAND MEMBERS TO  
13 RECEIVE ALL BENEFITS THROUGH HEALTHY MARYLAND;

14 (II) TO ENABLE THE STATE TO IMPLEMENT THIS TITLE;

15 (III) TO ALLOW THE STATE TO RECEIVE AND DEPOSIT ALL  
16 FEDERAL PAYMENTS UNDER THOSE PROGRAMS, INCLUDING FUNDS THAT MAY BE  
17 PROVIDED IN LIEU OF PREMIUM TAX CREDITS, COST-SHARING SUBSIDIES, AND  
18 SMALL BUSINESS TAX CREDITS, IN THE STATE TREASURY TO THE CREDIT OF THE  
19 HEALTHY MARYLAND TRUST FUND CREATED UNDER SUBTITLE 11 OF THIS TITLE;  
20 AND

21 (IV) TO USE FUNDS DEPOSITED IN THE FUND FOR HEALTHY  
22 MARYLAND AND OTHER PROVISIONS UNDER THIS TITLE.

23 (2) TO THE FULLEST EXTENT POSSIBLE, THE BOARD SHALL  
24 NEGOTIATE ARRANGEMENTS WITH THE FEDERAL GOVERNMENT TO ENSURE THAT  
25 FEDERAL PAYMENTS ARE PAID TO HEALTHY MARYLAND IN PLACE OF FEDERAL  
26 FUNDING OF, OR TAX BENEFITS FOR, FEDERALLY MATCHED PUBLIC HEALTH  
27 PROGRAMS OR FEDERAL HEALTH PROGRAMS.

28 (3) TO THE EXTENT ANY FEDERAL FUNDING IS NOT PAID DIRECTLY  
29 TO HEALTHY MARYLAND, THE STATE SHALL DIRECT THE FUNDING TO HEALTHY  
30 MARYLAND.

31 (4) (I) THE BOARD MAY REQUIRE HEALTHY MARYLAND MEMBERS  
32 OR APPLICANTS TO PROVIDE INFORMATION NECESSARY FOR HEALTHY MARYLAND  
33 TO COMPLY WITH ANY WAIVER OR ARRANGEMENT UNDER THIS TITLE.

1                   **(II) INFORMATION PROVIDED BY HEALTHY MARYLAND**  
2 **MEMBERS OR APPLICANTS TO THE BOARD FOR THE PURPOSES OF THIS PARAGRAPH**  
3 **MAY NOT BE USED FOR ANY OTHER PURPOSE.**

4                   **(5) THE BOARD MAY TAKE ANY ACTION NECESSARY TO EFFECTIVELY**  
5 **IMPLEMENT HEALTHY MARYLAND TO THE MAXIMUM EXTENT POSSIBLE AS A**  
6 **SINGLE-PAYER PROGRAM CONSISTENT WITH THIS TITLE.**

7                   **(C) (1) THE BOARD MAY TAKE ANY ACTION CONSISTENT WITH THIS**  
8 **ARTICLE TO ENABLE HEALTHY MARYLAND TO ADMINISTER MEDICARE IN THE**  
9 **STATE.**

10                   **(2) HEALTHY MARYLAND SHALL:**

11                   **(I) PROVIDE SUPPLEMENTAL INSURANCE COVERAGE UNDER**  
12 **MEDICARE PART B; AND**

13                   **(II) PROVIDE PREMIUM ASSISTANCE DRUG COVERAGE UNDER**  
14 **MEDICARE PART D FOR ELIGIBLE BENEFICIARIES OF MEDICARE PART D.**

15                   **(D) THE BOARD MAY WAIVE OR MODIFY THE APPLICABILITY OF ANY**  
16 **PROVISIONS OF THIS SUBTITLE RELATING TO ANY FEDERALLY MATCHED PUBLIC**  
17 **HEALTH PROGRAM OR MEDICARE, AS NECESSARY:**

18                   **(1) TO IMPLEMENT ANY WAIVER ARRANGEMENT UNDER THIS**  
19 **SUBTITLE; OR**

20                   **(2) TO MAXIMIZE THE FEDERAL BENEFITS TO HEALTHY MARYLAND**  
21 **UNDER THIS SUBTITLE.**

22                   **(E) (1) THE BOARD MAY APPLY FOR COVERAGE FOR AND ENROLL ANY**  
23 **ELIGIBLE HEALTHY MARYLAND MEMBER UNDER ANY FEDERALLY MATCHED**  
24 **PUBLIC HEALTH PROGRAM OR MEDICARE.**

25                   **(2) ENROLLMENT IN A FEDERALLY MATCHED PUBLIC HEALTH**  
26 **PROGRAM OR MEDICARE MAY NOT:**

27                   **(I) CAUSE ANY HEALTHY MARYLAND MEMBER TO LOSE ANY**  
28 **HEALTH CARE SERVICE PROVIDED BY HEALTHY MARYLAND; OR**

29                   **(II) DIMINISH ANY RIGHT THE HEALTHY MARYLAND MEMBER**  
30 **WOULD OTHERWISE HAVE UNDER ANY FEDERALLY MATCHED PUBLIC HEALTH**  
31 **PROGRAM OR MEDICARE.**

1           **(F) NOTWITHSTANDING ANY OTHER LAW, THE BOARD SHALL TAKE ACTION**  
2 **NECESSARY TO INCORPORATE HEALTH CARE COVERAGE OF STATE RESIDENTS WHO**  
3 **ARE EMPLOYED IN OTHER JURISDICTIONS INTO WAIVERS AND OTHER APPROVALS**  
4 **APPLIED FOR OR OBTAINED UNDER THIS SECTION.**

5           **(G) (1) NOTWITHSTANDING ANY OTHER LAW, THE BOARD SHALL TAKE**  
6 **NECESSARY ACTION TO REDUCE OR ELIMINATE HEALTHY MARYLAND MEMBER**  
7 **COINSURANCE, COST-SHARING, OR PREMIUM OBLIGATIONS AND INCREASE**  
8 **HEALTHY MARYLAND MEMBER ELIGIBILITY FOR ANY FEDERAL FINANCIAL**  
9 **SUPPORT RELATED TO MEDICARE OR THE AFFORDABLE CARE ACT.**

10           **(2) THE BOARD MAY ACT UNDER PARAGRAPH (1) OF THIS**  
11 **SUBSECTION ONLY ON A FINDING APPROVED BY THE SECRETARY OF BUDGET AND**  
12 **MANAGEMENT AND THE BOARD THAT THE ACTION:**

13                   **(I) WILL HELP TO INCREASE THE NUMBER OF HEALTHY**  
14 **MARYLAND MEMBERS WHO ARE ELIGIBLE FOR AND ENROLLED IN FEDERALLY**  
15 **MATCHED PUBLIC HEALTH PROGRAMS, OR OTHER PROGRAMS, TO REDUCE OR**  
16 **ELIMINATE HEALTHY MARYLAND MEMBER COINSURANCE, COST-SHARING, OR**  
17 **PREMIUM OBLIGATIONS OR INCREASE HEALTHY MARYLAND MEMBER ELIGIBILITY**  
18 **FOR ANY FEDERAL FINANCIAL SUPPORT RELATED TO MEDICARE OR THE**  
19 **AFFORDABLE CARE ACT;**

20                   **(II) WILL NOT DIMINISH ANY HEALTHY MARYLAND MEMBER'S**  
21 **ACCESS TO ANY HEALTH CARE SERVICE OR RIGHT THE HEALTHY MARYLAND**  
22 **MEMBER WOULD OTHERWISE HAVE UNDER ANY FEDERALLY MATCHED PUBLIC**  
23 **HEALTH PROGRAM OR MEDICARE;**

24                   **(III) IS IN THE INTEREST OF HEALTHY MARYLAND; AND**

25                   **(IV) DOES NOT REQUIRE OR HAS ALREADY RECEIVED ANY**  
26 **NECESSARY FEDERAL WAIVERS OR APPROVALS TO ENSURE FEDERAL FINANCIAL**  
27 **PARTICIPATION.**

28           **(3) ACTION THAT THE BOARD MAY TAKE UNDER PARAGRAPH (1) OF**  
29 **THIS SUBSECTION MAY INCLUDE:**

30                   **(I) AN INCREASE TO INCOME ELIGIBILITY LEVELS RELATED TO**  
31 **MEDICARE OR THE AFFORDABLE CARE ACT;**

32                   **(II) AN INCREASE TO OR AN ELIMINATION OF THE RESOURCE**  
33 **TEST FOR ELIGIBILITY RELATED TO MEDICARE OR THE AFFORDABLE CARE ACT;**

1                   (III) SIMPLIFICATION OF ANY PROCEDURAL OR  
2 DOCUMENTATION REQUIREMENT FOR ENROLLMENT RELATED TO MEDICARE OR  
3 THE AFFORDABLE CARE ACT; AND

4                   (IV) AN INCREASE IN THE BENEFITS FOR ANY FEDERALLY  
5 MATCHED PUBLIC HEALTH PROGRAM AND FOR ANY OTHER PROGRAM TO REDUCE  
6 OR ELIMINATE HEALTHY MARYLAND MEMBER COINSURANCE, COST-SHARING, OR  
7 PREMIUM OBLIGATIONS OR INCREASE HEALTHY MARYLAND MEMBER ELIGIBILITY  
8 FOR ANY FEDERAL FINANCIAL SUPPORT RELATED TO MEDICARE OR THE  
9 AFFORDABLE CARE ACT.

10                   (4) ACTIONS UNDER THIS SUBSECTION MAY NOT APPLY TO  
11 ELIGIBILITY FOR PAYMENT FOR LONG-TERM SERVICES AND SUPPORTS.

12                   (H) TO ENABLE THE BOARD TO APPLY FOR COVERAGE FOR, AND ENROLL,  
13 ANY ELIGIBLE HEALTHY MARYLAND MEMBER UNDER ANY FEDERALLY MATCHED  
14 PUBLIC HEALTH PROGRAM, MEDICARE, OR ANY PROGRAM OR BENEFIT UNDER  
15 MEDICARE, THE BOARD MAY REQUIRE THAT ALL HEALTHY MARYLAND MEMBERS  
16 OR APPLICANTS FOR SUCH COVERAGE OR BENEFITS UNDER THOSE PROGRAMS  
17 PROVIDE THE INFORMATION NECESSARY TO ENABLE THE BOARD TO DETERMINE  
18 WHETHER THE HEALTHY MARYLAND MEMBERS OR APPLICANTS ARE ELIGIBLE FOR  
19 COVERAGE OR BENEFITS UNDER THOSE PROGRAMS.

20                   (I) AS A CONDITION OF CONTINUED ELIGIBILITY FOR HEALTH CARE  
21 SERVICES UNDER HEALTHY MARYLAND, A HEALTHY MARYLAND MEMBER WHO IS  
22 ELIGIBLE FOR BENEFITS UNDER MEDICARE SHALL ENROLL IN MEDICARE,  
23 INCLUDING PARTS A, B, AND D.

24                   (J) (1) HEALTHY MARYLAND SHALL PROVIDE PREMIUM ASSISTANCE  
25 FOR ALL HEALTHY MARYLAND MEMBERS ENROLLING IN A MEDICARE PART D  
26 DRUG COVERAGE PLAN UNDER TITLE XVIII, § 1860D OF THE SOCIAL SECURITY  
27 ACT.

28                   (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE  
29 PREMIUM ASSISTANCE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS  
30 LIMITED TO THE LOW-INCOME BENCHMARK PREMIUM AMOUNT ESTABLISHED BY  
31 THE CENTERS FOR MEDICARE AND MEDICAID SERVICES AND ANY OTHER AMOUNT  
32 THE FEDERAL AGENCY ESTABLISHES UNDER ITS DE MINIMIS PREMIUM POLICY.

33                   (II) PREMIUM ASSISTANCE PAYMENTS MADE UNDER  
34 PARAGRAPH (1) OF THIS SUBSECTION ON BEHALF OF HEALTHY MARYLAND  
35 MEMBERS ENROLLED IN A MEDICARE ADVANTAGE PLAN MAY EXCEED THE

1 LOW-INCOME BENCHMARK PREMIUM AMOUNT IF DETERMINED TO BE COST  
2 EFFECTIVE TO HEALTHY MARYLAND.

3 (K) IF HEALTHY MARYLAND HAS REASONABLE GROUNDS TO BELIEVE THAT  
4 A HEALTHY MARYLAND MEMBER MAY BE ELIGIBLE FOR AN INCOME-RELATED  
5 SUBSIDY UNDER TITLE XVIII, § 1860D-14 OF THE SOCIAL SECURITY ACT:

6 (1) THE HEALTHY MARYLAND MEMBER SHALL PROVIDE AND  
7 AUTHORIZE HEALTHY MARYLAND TO OBTAIN ANY INFORMATION OR  
8 DOCUMENTATION REQUIRED TO ESTABLISH THE HEALTHY MARYLAND MEMBER'S  
9 ELIGIBILITY FOR THAT SUBSIDY; AND

10 (2) HEALTHY MARYLAND SHALL ATTEMPT TO OBTAIN AS MUCH OF  
11 THE INFORMATION AND DOCUMENTATION REQUIRED TO BE PROVIDED UNDER ITEM  
12 (1) OF THIS SUBSECTION AS POSSIBLE.

13 (L) (1) HEALTHY MARYLAND SHALL MAKE A REASONABLE EFFORT TO  
14 NOTIFY EACH HEALTHY MARYLAND MEMBER OF THE HEALTHY MARYLAND  
15 MEMBER'S OBLIGATIONS UNDER THIS SECTION.

16 (2) IF A REASONABLE EFFORT HAS BEEN MADE TO CONTACT THE  
17 HEALTHY MARYLAND MEMBER AND THE HEALTHY MARYLAND MEMBER HAS NOT  
18 PROVIDED INFORMATION REQUIRED UNDER THIS SECTION, HEALTHY MARYLAND  
19 SHALL NOTIFY THE HEALTHY MARYLAND MEMBER IN WRITING THAT THE HEALTHY  
20 MARYLAND MEMBER HAS 60 DAYS TO PROVIDE THE REQUIRED INFORMATION.

21 (3) IF THE HEALTHY MARYLAND MEMBER DOES NOT PROVIDE THE  
22 REQUIRED INFORMATION WITHIN 60 DAYS AFTER RECEIPT OF THE NOTIFICATION  
23 UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE HEALTHY MARYLAND MEMBER'S  
24 COVERAGE UNDER HEALTHY MARYLAND MAY BE TERMINATED.

25 (4) INFORMATION PROVIDED BY MEMBERS OR APPLICANTS TO THE  
26 BOARD FOR THE PURPOSES OF THIS SECTION MAY NOT BE USED FOR ANY OTHER  
27 PURPOSE.

28 (M) HEALTHY MARYLAND SHALL ASSUME RESPONSIBILITY FOR PROVIDING  
29 ALL BENEFITS AND HEALTH CARE SERVICES PAID FOR BY THE FEDERAL  
30 GOVERNMENT WITH THE FEDERAL FUNDS PROVIDED FOR THOSE BENEFITS AND  
31 SERVICES.

32 SUBTITLE 11. HEALTHY MARYLAND TRUST FUND.

33 25-1101.

- 1           **(A) THERE IS A HEALTHY MARYLAND TRUST FUND.**
- 2           **(B) THE PURPOSE OF THE FUND IS TO IMPLEMENT THE PURPOSES OF**  
3 **HEALTHY MARYLAND UNDER THIS TITLE.**
- 4           **(C) THE BOARD SHALL ADMINISTER THE FUND.**
- 5           **(D) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO**  
6 **§ 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.**
- 7           **(E) THE FUND SHALL CONSIST OF:**
- 8                   **(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;**
- 9                   **(2) MONEY FROM ANY PAYROLL PREMIUM ADOPTED UNDER THIS**  
10 **TITLE;**
- 11                   **(3) MONEY TRANSFERRED TO THE FUND THAT IS ATTRIBUTABLE TO**  
12 **STATE AND FEDERAL FINANCIAL PARTICIPATION IN MEDICAID, THE MARYLAND**  
13 **CHILDREN'S HEALTH INSURANCE PROGRAM, OR MEDICARE;**
- 14                   **(4) FEDERAL PAYMENTS RECEIVED BY THE STATE AS A RESULT OF**  
15 **ANY WAIVER OF REQUIREMENTS GRANTED OR OTHER ARRANGEMENTS AGREED TO**  
16 **BY THE U.S. SECRETARY OF HEALTH AND HUMAN SERVICES OR ANY OTHER**  
17 **APPROPRIATE FEDERAL OFFICIAL FOR HEALTH CARE PROGRAMS ESTABLISHED**  
18 **UNDER MEDICARE, ANY FEDERALLY MATCHED PUBLIC HEALTH PROGRAM, OR THE**  
19 **AFFORDABLE CARE ACT;**
- 20                   **(5) FEDERAL AND STATE FUNDS FOR PURPOSES OF THE PROVISION**  
21 **OF SERVICES AUTHORIZED UNDER TITLE XX OF THE SOCIAL SECURITY ACT THAT**  
22 **WOULD OTHERWISE BE COVERED UNDER HEALTHY MARYLAND;**
- 23                   **(6) MONEY FROM OTHER FEDERAL PROGRAMS THAT PROVIDE FUNDS**  
24 **FOR THE PAYMENT OF HEALTH CARE SERVICES THAT ARE PROVIDED UNDER THIS**  
25 **TITLE;**
- 26                   **(7) STATE AND LOCAL FUNDS APPROPRIATED FOR HEALTH CARE**  
27 **SERVICES AND BENEFITS THAT ARE PROVIDED UNDER THIS TITLE;**
- 28                   **(8) THE AMOUNTS PAID BY THE STATE THAT ARE EQUIVALENT TO**  
29 **THOSE AMOUNTS THAT ARE PAID ON BEHALF OF RESIDENTS OF THE STATE UNDER**  
30 **MEDICARE, ANY FEDERALLY MATCHED PUBLIC HEALTH PROGRAM, OR THE**

1 AFFORDABLE CARE ACT FOR HEALTH BENEFITS THAT ARE EQUIVALENT TO HEALTH  
2 BENEFITS COVERED UNDER HEALTHY MARYLAND; AND

3 (9) INVESTMENT EARNINGS OF THE FUND.

4 (F) NOTWITHSTANDING ANY OTHER LAW, MONEY IN THE FUND MAY NOT BE  
5 TRANSFERRED TO:

6 (1) THE GENERAL FUND OR A SPECIAL FUND OF THE STATE; OR

7 (2) ANY FUND OF A COUNTY OR MUNICIPALITY.

8 (G) THE FUND MAY BE USED ONLY FOR HEALTHY MARYLAND AS  
9 ESTABLISHED BY THIS TITLE.

10 (H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND  
11 IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

12 (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO  
13 THE FUND.

14 (I) THE BOARD SHALL ESTABLISH AND MAINTAIN A PRUDENT RESERVE IN  
15 THE FUND.

16 (J) THE BOARD OR STAFF OF THE BOARD MAY NOT USE ANY FUNDS  
17 INTENDED FOR THE ADMINISTRATIVE AND OPERATIONAL EXPENSES OF THE BOARD  
18 FOR STAFF RETREATS, PROMOTIONAL GIVEAWAYS, EXCESSIVE EXECUTIVE  
19 COMPENSATION, OR PROMOTION OF FEDERAL OR STATE LEGISLATIVE OR  
20 REGULATORY MODIFICATIONS.

21 (K) (1) THERE IS A HEALTHY MARYLAND FEDERAL FUNDS ACCOUNT  
22 WITHIN THE FUND.

23 (2) ALL FEDERAL MONEY SHALL BE PLACED INTO THE HEALTHY  
24 MARYLAND FEDERAL FUNDS ACCOUNT.

25 SUBTITLE 12. COLLECTIVE NEGOTIATION WITH HEALTHY MARYLAND.

26 25-1201.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
28 INDICATED.



1           **(B) THIS SUBTITLE MAY NOT BE CONSTRUED:**

2                   **(1) TO ALLOW A STRIKE OF HEALTHY MARYLAND BY HEALTH CARE**  
3 **PROVIDERS RELATED TO THE COLLECTIVE NEGOTIATIONS; OR**

4                   **(2) TO ALLOW OR AUTHORIZE TERMS OR CONDITIONS THAT WOULD**  
5 **IMPEDE THE ABILITY OF HEALTHY MARYLAND:**

6                           **(i) TO OBTAIN OR RETAIN ACCREDITATION BY THE NATIONAL**  
7 **COMMITTEE FOR QUALITY ASSURANCE OR A SIMILAR BODY; OR**

8                           **(ii) TO COMPLY WITH APPLICABLE STATE OR FEDERAL LAW.**

9 **25-1203.**

10           **(A) A HEALTH CARE PROVIDERS' REPRESENTATIVE IS THE ONLY PARTY**  
11 **AUTHORIZED TO NEGOTIATE WITH HEALTHY MARYLAND ON BEHALF OF THE**  
12 **HEALTH CARE PROVIDERS AS A GROUP.**

13           **(B) A HEALTH CARE PROVIDER MAY BE BOUND BY THE TERMS AND**  
14 **CONDITIONS NEGOTIATED BY THE HEALTH CARE PROVIDERS' REPRESENTATIVE.**

15           **(C) DURING COLLECTIVE NEGOTIATIONS, HEALTH CARE PROVIDERS MAY**  
16 **COMMUNICATE WITH:**

17                   **(1) OTHER HEALTH CARE PROVIDERS REGARDING THE TERMS AND**  
18 **CONDITIONS TO BE NEGOTIATED WITH HEALTHY MARYLAND; AND**

19                   **(2) THE HEALTH CARE PROVIDERS' REPRESENTATIVES.**

20           **(D) HEALTHY MARYLAND MAY:**

21                   **(1) COMMUNICATE AND NEGOTIATE WITH THE HEALTH CARE**  
22 **PROVIDERS' REPRESENTATIVE; AND**

23                   **(2) OFFER AND PROVIDE DIFFERENT TERMS AND CONDITIONS TO**  
24 **INDIVIDUAL COMPETING HEALTH CARE PROVIDERS.**

25           **(E) THIS SECTION DOES NOT AFFECT OR LIMIT THE RIGHT OF A HEALTH**  
26 **CARE PROVIDER OR GROUP OF HEALTH CARE PROVIDERS TO COLLECTIVELY**  
27 **PETITION A GOVERNMENTAL ENTITY FOR A CHANGE IN A LAW, RULE, OR**  
28 **REGULATION.**

1           **(F) THIS SECTION DOES NOT AFFECT OR LIMIT:**

2                   **(1) COLLECTIVE ACTION OR COLLECTIVE BARGAINING ON THE PART**  
3 **OF A HEALTH CARE PROVIDER WITH THE HEALTH CARE PROVIDER'S EMPLOYER; OR**

4                   **(2) ANY OTHER LAWFUL COLLECTIVE ACTION OR COLLECTIVE**  
5 **BARGAINING BY HEALTH CARE PROVIDERS.**

6           **(G) BEFORE ENGAGING IN COLLECTIVE NEGOTIATIONS WITH HEALTHY**  
7 **MARYLAND ON BEHALF OF HEALTH CARE PROVIDERS, A HEALTH CARE PROVIDERS'**  
8 **REPRESENTATIVE SHALL FILE WITH THE BOARD, IN THE MANNER PRESCRIBED BY**  
9 **THE BOARD, INFORMATION IDENTIFYING:**

10                   **(1) THE REPRESENTATIVE;**

11                   **(2) THE REPRESENTATIVE'S PLAN OF OPERATION; AND**

12                   **(3) THE REPRESENTATIVE'S PROCEDURES TO ENSURE COMPLIANCE**  
13 **WITH THIS SUBTITLE.**

14           **(H) (1) A PERSON WHO ACTS AS THE REPRESENTATIVE OF NEGOTIATING**  
15 **PARTIES UNDER THIS SUBTITLE SHALL PAY A FEE TO THE BOARD TO ACT AS A**  
16 **REPRESENTATIVE.**

17                   **(2) THE BOARD SHALL SET THE FEE REQUIRED UNDER PARAGRAPH**  
18 **(1) OF THIS SUBSECTION IN AN AMOUNT DETERMINED TO BE REASONABLE AND**  
19 **NECESSARY TO COVER THE COSTS INCURRED BY THE BOARD IN ADMINISTERING**  
20 **THIS SUBTITLE.**

21 **25-1204.**

22           **(A) EXCEPT AS AUTHORIZED BY OTHER LAW, THIS SUBTITLE DOES NOT**  
23 **AUTHORIZE COMPETING HEALTH CARE PROVIDERS TO ACT IN CONCERT IN**  
24 **RESPONSE TO A HEALTH CARE PROVIDERS' REPRESENTATIVE'S DISCUSSIONS OR**  
25 **NEGOTIATIONS WITH HEALTHY MARYLAND.**

26           **(B) A HEALTH CARE PROVIDERS' REPRESENTATIVE MAY NOT NEGOTIATE**  
27 **ANY AGREEMENT THAT EXCLUDES, LIMITS THE PARTICIPATION OR**  
28 **REIMBURSEMENT OF, OR OTHERWISE LIMITS THE SCOPE OF SERVICES TO BE**  
29 **PROVIDED BY ANY HEALTH CARE PROVIDER OR GROUP OF HEALTH CARE**  
30 **PROVIDERS WITH RESPECT TO THE PERFORMANCE OF SERVICES THAT ARE WITHIN**  
31 **THE HEALTH CARE PROVIDER'S SCOPE OF PRACTICE, LICENSE, REGISTRATION, OR**  
32 **CERTIFICATE.**

Article – Insurance

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31-101.

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

(b) “Board” means the [Board of Trustees of the Exchange] **HEALTHY MARYLAND BOARD, ESTABLISHED UNDER TITLE 25, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.**

[31-104.

(a) There is a Board of Trustees of the Exchange.

(b) The Board consists of the following members:

(1) the Secretary of Health;

(2) the Commissioner;

(3) the Executive Director of the Maryland Health Care Commission; and

(4) the following members appointed by the Governor, with the advice and consent of the Senate:

(i) three members who:

1. represent the interests of employers and individual consumers of products offered by the Exchange; and

2. may have public health research expertise; and

(ii) three members who have demonstrated knowledge and expertise in at least two of the following areas:

1. individual health care coverage;

2. small employer–sponsored health care coverage;

3. health benefit plan administration;

4. health care finance;

5. administration of public or private health care delivery systems;

1                   6.     purchasing and facilitating enrollment in health plan  
2 coverage, including demonstrated knowledge and expertise about the role of licensed health  
3 insurance producers and third-party administrators in connecting employers and  
4 individual consumers to health plan coverage; and

5                   7.     public health and public health research, including  
6 knowledge about the health needs and health disparities among the State's diverse  
7 communities.

8           (c)     In making appointments of members under subsection (b)(4) of this section,  
9 the Governor shall assure that:

10                   (1)    the Board's composition reflects a diversity of expertise;

11                   (2)    the Board's composition reflects the gender, racial, and ethnic diversity  
12 of the State; and

13                   (3)    the geographic areas of the State are represented.

14           (d)     (1)    For purposes of this subsection, "affiliation" means:

15                   (i)     a financial interest, as defined in § 5-101 of the General  
16 Provisions Article;

17                   (ii)    a position of governance, including membership on a board of  
18 directors, regardless of compensation;

19                   (iii)   a relationship through which compensation, as defined in §  
20 5-101 of the General Provisions Article, is received; or

21                   (iv)    a relationship for the provision of services as a regulated lobbyist,  
22 as defined in § 5-101 of the General Provisions Article.

23                   (2)    A member of the Board or of the staff of the Exchange, while serving on  
24 the Board or the staff, may not have an affiliation with:

25                   (i)     a carrier, an insurance producer, a third-party administrator, a  
26 managed care organization, or any other person contracting directly with the Exchange;

27                   (ii)    a trade association of carriers, insurance producers, third-party  
28 administrators, or managed care organizations; or

29                   (iii)   any other association of entities in a position to contract directly  
30 with the Exchange.

31           (e)     (1)    The term of a member appointed by the Governor is 4 years.

- 1           (2)    The terms of members appointed by the Governor are staggered as  
2 required by the terms provided for members of the Board on June 1, 2011.
- 3           (3)    At the end of a term, a member continues to serve until a successor is  
4 appointed and qualifies.
- 5           (4)    A member who is appointed after a term has begun serves only for the  
6 rest of the term and until a successor is appointed and qualifies.
- 7           (f)    An appointed member of the Board may not serve more than two consecutive  
8 full terms.
- 9           (g)    The Governor shall designate a chair of the Board.
- 10          (h)    (1)    The Board shall determine the times, places, and frequency of its  
11 meetings.
- 12                (2)    Five members of the Board constitute a quorum.
- 13                (3)    Action by the Board requires the affirmative vote of at least five  
14 members.
- 15          (i)    A member of the Board is entitled to reimbursement for expenses under the  
16 Standard State Travel Regulations, as provided in the State budget.
- 17          (j)    A member shall:
- 18                (1)    meet the requirements of this subtitle, the Affordable Care Act, and all  
19 applicable State and federal laws and regulations;
- 20                (2)    serve the public interest of the individuals and qualified employers  
21 seeking health care coverage through the Exchange; and
- 22                (3)    ensure the sound operation and fiscal solvency of the Exchange.
- 23          (k)    A member of the Board shall perform the member's duties:
- 24                (1)    in good faith;
- 25                (2)    in the manner the member reasonably believes to be in the best  
26 interests of the Exchange; and
- 27                (3)    without intentional or reckless disregard of the care an ordinarily  
28 prudent person in a like position would use under similar circumstances.
- 29          (l)    A member of the Board who performs the member's duties in accordance with  
30 the standard provided in subsection (k) of this section may not be liable personally for

1 actions taken as a member.

2 (m) A member of the Board may be removed for incompetence, misconduct, or  
3 failure to perform the duties of the position.

4 (n) (1) (i) A member of the Board shall be subject to the Maryland Public  
5 Ethics Law, Title 5, Subtitles 1 through 7 of the General Provisions Article.

6 (ii) In addition to the disclosure required under Title 5, Subtitle 6 of  
7 the General Provisions Article, a member of the Board shall disclose to the Board and to  
8 the public any relationship not addressed in the required financial disclosure that the  
9 member has with a carrier, insurance producer, third-party administrator, managed care  
10 organization, or other entity in an industry involved in matters likely to come before the  
11 Board.

12 (2) On all matters that come before the Board, the member shall:

13 (i) adhere strictly to the conflict of interest provisions under Title 5,  
14 Subtitle 5 of the General Provisions Article relating to restrictions on participation,  
15 employment, and financial interests; and

16 (ii) provide full disclosure to the Board and the public on:

17 1. any matter that gives rise to a potential conflict of interest;  
18 and

19 2. the manner in which the member will comply with the  
20 provisions of Title 5, Subtitle 5 of the General Provisions Article to avoid any conflict of  
21 interest or appearance of a conflict of interest.]

22 **31-104.**

23 **THE HEALTHY MARYLAND BOARD SHALL OVERSEE THE ADMINISTRATION OF**  
24 **THE EXCHANGE UNTIL THE EXCHANGE CEASES TO OPERATE IN THE STATE.**

25 **31-105.**

26 [(a) (1) With the approval of the Governor, the Board shall appoint an  
27 Executive Director of the Exchange.

28 (2) The Executive Director shall serve at the pleasure of the Board.

29 (3) The Board shall determine the appropriate compensation for the  
30 Executive Director.]

31 **(A) THE EXECUTIVE DIRECTOR OF HEALTHY MARYLAND, APPOINTED BY**

1 THE BOARD UNDER § 25–302 OF THE HEALTH – GENERAL ARTICLE, SHALL SERVE  
 2 AS THE EXECUTIVE DIRECTOR OF THE EXCHANGE UNTIL THE EXCHANGE CEASES  
 3 TO OPERATE IN THE STATE.

4 Article – State Finance and Procurement

5 6–226.

6 (a) (2) (i) Notwithstanding any other provision of law, and unless  
 7 inconsistent with a federal law, grant agreement, or other federal requirement or with the  
 8 terms of a gift or settlement agreement, net interest on all State money allocated by the  
 9 State Treasurer under this section to special funds or accounts, and otherwise entitled to  
 10 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General  
 11 Fund of the State.

12 (ii) The provisions of subparagraph (i) of this paragraph do not apply  
 13 to the following funds:

14 170. the Cannabis Public Health Fund; [and]

15 171. the Community Reinvestment and Repair Fund; AND

16 **172. THE HEALTHY MARYLAND TRUST FUND.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
 18 appointed members of:

19 (1) the Healthy Maryland Board shall expire as follows:

20 (i) two members in 2024;

21 (ii) two members in 2025;

22 (iii) two members in 2026; and

23 (iv) two members in 2027; and

24 (2) the Healthy Maryland Public Advisory Committee shall expire as  
 25 follows:

26 (i) five members in 2024;

27 (ii) five members in 2025;

28 (iii) five members in 2026; and

1 (iv) six members in 2027.

2 SECTION 3. AND BE IT FURTHER ENACTED, That, if any provision of this Act or  
3 the application thereof to any person or circumstance is held invalid for any reason in a  
4 court of competent jurisdiction, the invalidity does not affect other provisions or any other  
5 application of this Act that can be given effect without the invalid provision or application,  
6 and for this purpose the provisions of this Act are declared severable.

7 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
8 1, 2023.

# HOUSE BILL 82

J1, F1

(PRE-FILED)

3lr0452  
CF 3lr0504

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By: **Delegates Charkoudian and Cullison**  
Requested: September 26, 2022  
Introduced and read first time: January 11, 2023  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance and Children's Health Insurance Programs –**  
3 **School-Based Behavioral Health Services – Reimbursement**

4 FOR the purpose of requiring, on or before a certain date, the Maryland Department of  
5 Health to apply to the Centers for Medicare and Medicaid Services for a State plan  
6 amendment authorizing certain reimbursement of behavioral health services when  
7 provided in a school setting by certain health care providers under the Maryland  
8 Medical Assistance Program or the Maryland Children's Health Insurance Program;  
9 and generally relating to the Maryland Medical Assistance Program, the Maryland  
10 Children's Health Insurance Program, and school-based behavioral health services.

11 BY adding to  
12 Article – Health – General  
13 Section 15–151  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **15–151.**

20 **(A) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL APPLY TO**  
21 **THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR A STATE PLAN**  
22 **AMENDMENT THAT AUTHORIZES THE STATE TO PROVIDE FOR:**

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



1           **(1) REIMBURSEMENT FOR MEDICALLY NECESSARY BEHAVIORAL**  
2 **HEALTH SERVICES PROVIDED IN A SCHOOL SETTING TO ALL INDIVIDUALS**  
3 **ENROLLED IN THE PROGRAM OR THE MARYLAND CHILDREN’S HEALTH PROGRAM,**  
4 **WITHOUT REGARD TO WHETHER THE SERVICES ARE PROVIDED UNDER AN**  
5 **INDIVIDUALIZED EDUCATIONAL PROGRAM OR INDIVIDUALIZED FAMILY SERVICE**  
6 **PLAN; AND**

7           **(2) PROGRAM AND MARYLAND CHILDREN’S HEALTH INSURANCE**  
8 **PROGRAM ADMINISTRATIVE CLAIMING, TO THE EXTENT PERMITTED UNDER**  
9 **FEDERAL LAW.**

10           **(B) TO THE MAXIMUM EXTENT PERMITTED UNDER FEDERAL AND STATE**  
11 **LAW, SERVICES REIMBURSED UNDER THE STATE PLAN AMENDMENT REQUESTED**  
12 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE REIMBURSABLE WHEN**  
13 **PROVIDED IN A SCHOOL SETTING BY A MENTAL HEALTH PROVIDER WORKING**  
14 **WITHIN THEIR SCOPE OF PRACTICE, INCLUDING:**

15           **(1) SCHOOL COUNSELORS, SCHOOL PSYCHOLOGISTS, SCHOOL**  
16 **SOCIAL WORKERS, AND OTHER BEHAVIORAL HEALTH PROFESSIONALS AND**  
17 **PARAPROFESSIONALS CERTIFIED BY THE MARYLAND STATE DEPARTMENT OF**  
18 **EDUCATION;**

19           **(2) SCHOOL NURSES CERTIFIED BY THE MARYLAND STATE**  
20 **DEPARTMENT OF EDUCATION;**

21           **(3) SOCIAL WORKERS LICENSED UNDER TITLE 19 OF THE HEALTH**  
22 **OCCUPATIONS ARTICLE; AND**

23           **(4) MARRIAGE AND FAMILY THERAPISTS LICENSED UNDER TITLE 17**  
24 **OF THE HEALTH OCCUPATIONS ARTICLE.**

25           **(C) ON OBTAINING FEDERAL APPROVAL UNDER THIS SECTION, THE**  
26 **DEPARTMENT SHALL UPDATE ITS REGULATIONS, PROVIDER MANUALS, AND OTHER**  
27 **SUBREGULATORY GUIDANCE TO REFLECT CHANGES TO THE PROGRAM MADE**  
28 **UNDER THIS SECTION.**

29           **(D) THE DEPARTMENT SHALL PROVIDE REGULAR TRAINING AND**  
30 **TECHNICAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES AND MENTAL HEALTH**  
31 **PROFESSIONALS WORKING IN A SCHOOL SETTING ON PROGRAM ENROLLMENT,**  
32 **BILLING, DOCUMENTATION, AND OTHER TOPICS RELATED TO COMPLIANCE AND**  
33 **QUALITY ASSURANCE.**

34           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
35 **October 1, 2023.**



# HOUSE BILL 19

J2

3lr0855

(PRE-FILED)

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By: **Delegate Cullison**

Requested: November 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Examiners of Psychologists – License and Registration Issuance**  
3 **and Renewals – Electronic Means**

4 FOR the purpose of requiring the State Board of Examiners of Psychologists to issue  
5 electronic licenses and certificates; repealing the requirement that the Board include  
6 certain information on each license and registration; altering the circumstances  
7 under which the Board is required to send renewal notices by first-class mail; and  
8 generally relating to the State Board of Examiners of Psychologists.

9 BY repealing and reenacting, with amendments,  
10 Article – Health Occupations  
11 Section 18–306 and 18–309  
12 Annotated Code of Maryland  
13 (2021 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
15 That the Laws of Maryland read as follows:

16 **Article – Health Occupations**

17 18–306.

18 (a) The Board shall issue [a] AN ELECTRONIC license or registration to any  
19 applicant who meets the requirements of this title.

20 [(b) The Board shall include on each license or registration that the Board issues:

21 (1) The full name of the licensee or registrant;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## HOUSE BILL 19

- 1           (2)    The dates of issuance and expiration;
- 2           (3)    A serial number;
- 3           (4)    The signatures of the chairman and the vice chairman of the Board; and
- 4           (5)    The seal of the Board.]

5           **[(c)] (B)**   (1)    On receipt of the criminal history record information of an  
6 applicant for licensure or registration forwarded to the Board in accordance with § 18–302.1  
7 of this subtitle, in determining whether to grant a license or registration, the Board shall  
8 consider:

- 9                   (i)    The age at which the crime was committed;
- 10                  (ii)   The circumstances surrounding the crime;
- 11                  (iii)   The length of time that has passed since the crime;
- 12                  (iv)   Subsequent work history;
- 13                  (v)    Employment and character references; and
- 14                  (vi)   Other evidence that demonstrates whether the applicant poses a  
15 threat to the public health or safety.

16           (2)    The Board may not issue a license or registration if the criminal history  
17 record information required under § 18–302.1 of this subtitle has not been received.

18 18–309.

19           (a)    (1)    A license or registration expires on the date set by the Board, unless it  
20 is renewed for an additional term as provided in this section.

21                   (2)    A license or registration may not be renewed for a term longer than 2  
22 years.

23           (b)    (1)    (i)    At least 90 days before a license expires, the Board shall send a  
24 renewal notice to the licensee[:

25                           1.    By first-class mail to the last known address of the  
26 licensee; or

27                           2.    If requested by the licensee,] by electronic means to the  
28 last known electronic mail address of the licensee.

1 (ii) If a renewal notice sent by electronic means [under  
2 subparagraph (i)2 of this paragraph] is returned to the Board as undeliverable, **OR ON**  
3 **SPECIFIC REQUEST BY THE LICENSEE**, the Board shall send a renewal notice to the  
4 licensee by first-class mail to the last known address of the licensee.

5 (2) (I) At least 90 days before a registration expires, the Board shall  
6 send a renewal notice to the registrant[:

7 (i) By first-class mail to the last known address of the  
8 registrant; or

9 (ii) By] **BY** electronic means to the last known electronic mail  
10 address of the registrant.

11 (II) **IF A RENEWAL NOTICE SENT BY ELECTRONIC MEANS IS**  
12 **RETURNED TO THE BOARD AS UNDELIVERABLE, OR ON SPECIFIC REQUEST BY THE**  
13 **REGISTRANT, THE BOARD SHALL SEND A RENEWAL NOTICE TO THE REGISTRANT BY**  
14 **FIRST-CLASS MAIL TO THE LAST KNOWN ADDRESS OF THE REGISTRANT.**

15 (c) The renewal notice sent under subsection (b) of this section shall state:

16 (1) The date on which the current license or registration expires;

17 (2) The date by which the renewal application must be received by the  
18 Board for the renewal to be issued and mailed before the license or registration expires;  
19 and

20 (3) The amount of the renewal fee.

21 (d) Each licensee or registrant shall notify the Board in writing of any change in  
22 the licensee's or registrant's address or electronic mail address within 30 days after the  
23 change occurs.

24 (e) Before the license or registration expires, the licensee or registrant  
25 periodically may renew it for an additional 2-year term, if the licensee or registrant:

26 (1) Otherwise is entitled to be licensed or registered;

27 (2) Pays to the Board a renewal fee set by the Board; and

28 (3) Submits to the Board:

29 (i) A renewal application on the form that the Board requires; and

30 (ii) Satisfactory evidence of compliance with any continuing  
31 education requirements set under this section for license or registration renewal.

1 (f) (1) The Board may establish continuing education requirements as a  
2 condition to the renewal of licenses or registrations under this section.

3 (2) The requirements established under this subsection shall be set by the  
4 Board as to the amount and type of study required.

5 (g) The Board shall renew the license or registration of each licensee or registrant  
6 who meets the requirements of this section.

7 (h) (1) (i) Beginning March 2019, the Board shall begin a process requiring  
8 criminal history records checks in accordance with § 18–302.1 of this subtitle on:

9 1. Selected annual renewal applicants as determined by  
10 regulations adopted by the Board; and

11 2. Each former licensee or registrant who files for  
12 reinstatement under § 18–310 of this subtitle after failing to renew the license or  
13 registration for a period of 1 year or more.

14 (ii) An additional criminal history records check shall be performed:

15 1. 6 years after a renewal applicant submitted to a criminal  
16 history records check under § 18–302(e) of this subtitle; and

17 2. Every 6 years after a renewal applicant was required to  
18 submit to a criminal history records check under subparagraph (i)1 of this paragraph.

19 (2) On receipt of the criminal history record information of a licensee  
20 forwarded to the Board in accordance with § 18–302.1 of this subtitle, in determining  
21 whether to renew a license or registration, the Board shall consider:

22 (i) The age at which the crime was committed;

23 (ii) The circumstances surrounding the crime;

24 (iii) The length of time that has passed since the crime;

25 (iv) Subsequent work history;

26 (v) Employment and character references; and

27 (vi) Other evidence that demonstrates whether the licensee poses a  
28 threat to the public health or safety.

29 (3) The Board may not renew a license or registration if the criminal  
30 history record information required under § 18–302.1 of this subtitle has not been received.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2023.



# HOUSE BILL 26

3lr0876

J2  
HB 911/22 – HGO

(PRE-FILED)

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By: **Delegate Bagnall**  
Requested: November 17, 2022  
Introduced and read first time: January 11, 2023  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Psychologists – Licensure Qualification**

3 FOR the purpose of altering the qualifications an individual must have to be licensed as a  
4 psychologist by the State Board of Examiners of Psychologists; and generally  
5 relating to the licensure of psychologists.

6 BY repealing and reenacting, without amendments,  
7 Article – Health Occupations  
8 Section 18–101(a)  
9 Annotated Code of Maryland  
10 (2021 Replacement Volume and 2022 Supplement)

11 BY repealing and reenacting, with amendments,  
12 Article – Health Occupations  
13 Section 18–101(c) and 18–302(f)  
14 Annotated Code of Maryland  
15 (2021 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Health Occupations**

19 18–101.

20 (a) In this title the following words have the meanings indicated.

21 (c) (1) “Doctoral degree in psychology” means:

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



1 (i) A degree received from a program that at the time the degree was  
2 awarded:

3 1. Is accredited by the American Psychological Association or  
4 the Canadian Psychological Association; or

5 2. Is listed in the designated doctoral programs in psychology  
6 published by the Council for the National Register of Health Service Providers in  
7 Psychology; [or]

8 (ii) **A DEGREE RECEIVED FROM A DOCTORAL PROGRAM IN**  
9 **PSYCHOLOGY FROM A SCHOOL OR UNIVERSITY THAT, AT THE TIME THE DEGREE WAS**  
10 **AWARDED, HAD A REGIONAL ACCREDITATION RECOGNIZED BY THE COUNCIL FOR**  
11 **HIGHER EDUCATION ACCREDITATION OR THE CANADIAN PSYCHOLOGICAL**  
12 **ASSOCIATION; OR**

13 [(ii)] (iii) A doctoral degree in psychology that the Council for the  
14 National Register of Health Service Providers in Psychology determines meets its criteria  
15 for a doctoral degree in psychology, if the degree was received from a doctoral program in  
16 psychology that:

17 1. Is located outside the United States and Canada;

18 2. Is currently accredited or designated in accordance with  
19 item (i) of this paragraph, but was not accredited or designated at the time the degree was  
20 awarded;

21 3. Was completed prior to 1981 for United States programs;

22 4. Was completed prior to 1988 for Canadian programs; or

23 5. Is no longer in existence.

24 (2) (i) A determination by the Council under paragraph [(1)(ii)] **(1)(III)**  
25 of this subsection that a doctoral degree in psychology meets its criteria shall be considered  
26 by the Board as prima facie evidence that the degree meets those criteria.

27 (ii) In determining whether the degree in psychology meets the  
28 criteria described in paragraph [(1)(ii)] **(1)(III)** of this subsection and subparagraph (i) of  
29 this paragraph, the Board may consider the completion of postdoctoral course work in  
30 psychology, not to exceed 9 semester hours.

31 18-302.

32 (f) In addition to the other requirements of this section, to qualify to be a licensed  
33 psychologist, an applicant [shall] **MUST HAVE:**

1           (1)   (I)   [Have a] A doctoral degree in psychology AS DEFINED IN §  
2 18-101(C)(1)(I) OR (III) OF THIS TITLE; and

3           [(2)] (II) [Have at] AT least 2 years of professional, supervised experience  
4 in psychology that is approved by the Board in accordance with regulations adopted by the  
5 Board; OR

6           (2)   (I)   A DOCTORAL DEGREE IN PSYCHOLOGY AS DEFINED IN §  
7 18-101(C)(1)(II) OF THIS TITLE;

8                   (II) RECEIVED A POSTDOCTORAL RESPECIALIZATION  
9 CERTIFICATE FROM A DEPARTMENT OF PSYCHOLOGY THAT, AT THE TIME THE  
10 CERTIFICATE WAS ISSUED, HAD A DEGREE PROGRAM THAT WAS ACCREDITED BY THE  
11 AMERICAN PSYCHOLOGICAL ASSOCIATION OR THE CANADIAN PSYCHOLOGICAL  
12 ASSOCIATION;

13                   (III) COMPLETED A MINIMUM OF 1,500 HOURS OF  
14 POSTCERTIFICATION ADVANCED TRAINING HOURS OR PRECERTIFICATION HOURS  
15 OF SERVICE AS A REGISTERED PSYCHOLOGY ASSOCIATE IN ACCORDANCE WITH  
16 REGULATIONS ADOPTED BY THE BOARD; AND

17                   (IV) AT LEAST 2 YEARS OF PROFESSIONAL, SUPERVISED  
18 EXPERIENCE IN PSYCHOLOGY THAT IS APPROVED BY THE BOARD IN ACCORDANCE  
19 WITH REGULATIONS ADOPTED BY THE BOARD.

20           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2023.



# HOUSE BILL 103

J2  
HB 173/22 – HGO

(PRE-FILED)

3lr0878

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By: **Delegates Bagnall and Ruth**  
Requested: November 17, 2022  
Introduced and read first time: January 11, 2023  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Board of Social Work Examiners – Temporary License to Practice Social**  
3 **Work**

4 FOR the purpose of requiring the State Board of Social Work Examiners, under certain  
5 circumstances, to issue a temporary license to practice social work; and generally  
6 relating to a temporary license to practice social work.

7 BY repealing and reenacting, without amendments,  
8 Article – Health Occupations  
9 Section 19–101(a)  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 19–101(e) and 19–310(a)  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2022 Supplement)

17 BY adding to  
18 Article – Health Occupations  
19 Section 19–101(u) and 19–309.1  
20 Annotated Code of Maryland  
21 (2021 Replacement Volume and 2022 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Health Occupations**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 19-101.

2 (a) In this title the following words have the meanings indicated.

3 (e) "License" means, unless the context requires otherwise[, one]:

4 (1) ONE of four categories of licenses issued by the Board authorizing an  
5 individual to practice:

6 [(1)] (I) Bachelor social work;

7 [(2)] (II) Master social work;

8 [(3)] (III) Certified social work; or

9 [(4)] (IV) Certified social work-clinical; OR

10 (2) A TEMPORARY LICENSE ISSUED BY THE BOARD.

11 (U) "TEMPORARY LICENSE" MEANS A LICENSE ISSUED BY THE BOARD  
12 UNDER, AND AS LIMITED BY, § 19-309.1 OF THIS TITLE TO PRACTICE:

13 (1) BACHELOR SOCIAL WORK; OR

14 (2) MASTER SOCIAL WORK.

15 19-309.1.

16 (A) IF AN ADMINISTRATIVE DELAY FOR ANY REASON OR AN UNFORESEEN  
17 CIRCUMSTANCE, ACT, OR OCCURRENCE PREVENTS AN EXAMINATION REQUIRED  
18 UNDER THIS SUBTITLE FROM BEING AVAILABLE TO AN APPLICANT FOR A PERIOD OF  
19 AT LEAST 7 BUSINESS DAYS, THE BOARD SHALL ISSUE A TEMPORARY LICENSE TO AN  
20 APPLICANT WHO, EXCEPT FOR PASSING THE EXAMINATION, HAS MET THE  
21 APPROPRIATE EDUCATION AND EXPERIENCE REQUIREMENTS OF THIS SUBTITLE  
22 FOR A LICENSE ISSUED UNDER § 19-302 OF THIS SUBTITLE TO PRACTICE:

23 (1) BACHELOR SOCIAL WORK; OR

24 (2) MASTER SOCIAL WORK.

25 (B) A TEMPORARY LICENSE ISSUED UNDER THIS SECTION AUTHORIZES THE  
26 HOLDER TO PRACTICE SOCIAL WORK IN THE STATE ONLY UNDER THE SUPERVISION  
27 OF A BOARD-APPROVED SUPERVISOR WHILE THE TEMPORARY LICENSE IS  
28 EFFECTIVE.

1           **(c) A TEMPORARY LICENSE IS VALID UNTIL 180 DAYS AFTER THE**  
2 **EXAMINATION BECOMES READILY AVAILABLE TO THE APPLICANT.**

3 19–310.

4           (a) Unless the Board agrees to accept the surrender of a license, a licensed social  
5 worker **OR THE HOLDER OF A TEMPORARY LICENSE** may not surrender the license nor  
6 may the license lapse by operation of law while the licensee is under investigation or while  
7 charges are pending against the social worker.

8           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
9 **October 1, 2023.**



# SENATE BILL 13

3lr0786

D4

SB 336/22 – JPR

(PRE-FILED)

By: **Senators Carozza, Lee, and West**

Requested: November 15, 2022

Introduced and read first time: January 11, 2023

Assigned to: Judicial Proceedings

## A BILL ENTITLED

1 AN ACT concerning

2 **Family Law – Custody Evaluators – Qualifications and Training**

3 FOR the purpose of specifying certain qualifications and training necessary for an  
4 individual to be appointed or approved by a court as a custody evaluator; and  
5 generally relating to custody evaluators.

6 BY adding to

7 Article – Family Law

8 Section 9–109

9 Annotated Code of Maryland

10 (2019 Replacement Volume and 2022 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That the Laws of Maryland read as follows:

13 **Article – Family Law**

14 **9–109.**

15 (A) IN THIS SECTION, “CUSTODY EVALUATOR” MEANS AN INDIVIDUAL  
16 APPOINTED OR APPROVED BY A COURT TO PERFORM A CUSTODY EVALUATION.

17 (B) A COURT MAY NOT APPOINT OR APPROVE AN INDIVIDUAL AS A CUSTODY  
18 EVALUATOR UNLESS THE INDIVIDUAL:

19 (1) IS:

20 (I) A PHYSICIAN LICENSED IN ANY STATE WHO IS  
21 BOARD-CERTIFIED IN PSYCHIATRY OR HAS COMPLETED A PSYCHIATRY RESIDENCY

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 ACCREDITED BY THE ACCREDITATION COUNCIL FOR GRADUATE MEDICAL  
2 EDUCATION OR A SUCCESSOR TO THAT COUNCIL;

3 (II) A MARYLAND LICENSED PSYCHOLOGIST OR A  
4 PSYCHOLOGIST WITH AN EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;

5 (III) A MARYLAND LICENSED CLINICAL MARRIAGE AND FAMILY  
6 THERAPIST OR A CLINICAL MARRIAGE AND FAMILY THERAPIST WITH AN  
7 EQUIVALENT LEVEL OF LICENSURE IN ANY OTHER STATE;

8 (IV) A MARYLAND LICENSED CERTIFIED SOCIAL  
9 WORKER-CLINICAL OR A CLINICAL SOCIAL WORKER WITH AN EQUIVALENT LEVEL  
10 OF LICENSURE IN ANY OTHER STATE;

11 (V) 1. A MARYLAND LICENSED GRADUATE OR MASTER  
12 SOCIAL WORKER WITH AT LEAST 2 YEARS OF EXPERIENCE IN ONE OR MORE OF THE  
13 AREAS LISTED IN SUBSECTION (C)(1) OF THIS SECTION; OR

14 2. A GRADUATE OR MASTER SOCIAL WORKER WITH AN  
15 EQUIVALENT LEVEL OF LICENSURE AND EXPERIENCE IN ANY OTHER STATE; OR

16 (VI) A MARYLAND LICENSED CLINICAL PROFESSIONAL  
17 COUNSELOR OR A CLINICAL PROFESSIONAL COUNSELOR WITH AN EQUIVALENT  
18 LEVEL OF LICENSURE IN ANY OTHER STATE; AND

19 (2) HAS EXPERIENCE, OBTAINED EITHER THROUGH OBSERVATION  
20 UNDER CLINICAL SUPERVISION OR THROUGH THE PERFORMANCE OF CUSTODY  
21 EVALUATIONS, WITH THE FOLLOWING:

22 (I) FAMILY SYSTEMS, PARTNER CONFLICT, AND CONFLICT  
23 RESOLUTION STYLES;

24 (II) NORMATIVE CHILD, ADOLESCENT, AND ADULT  
25 DEVELOPMENT;

26 (III) THE IMPACT OF INTERPERSONAL LOSS AND CHRONIC  
27 STRESS ON AN INDIVIDUAL AND FAMILY SYSTEM;

28 (IV) MENTAL HEALTH DIAGNOSES, INCLUDING CURRENT  
29 SUBSTANCE ABUSE ISSUES RELEVANT TO THE CAPACITY OF AN INDIVIDUAL TO  
30 PROVIDE HEALTHY, PROTECTIVE, OR RESTORATIVE PARENTING;

31 (V) THE IMMEDIATE AND LONG-TERM NEURODEVELOPMENTAL

1 IMPACT OF CHILD NEGLECT, ALL TYPES OF CHILD ABUSE, AND EXPOSURE TO  
2 DOMESTIC VIOLENCE;

3 (VI) CULTURALLY AND SPIRITUALLY SENSITIVE CLINICAL  
4 INTERVIEWING SKILLS;

5 (VII) HOW CHILDREN RESPOND TO TRAUMATIC STRESS AND WHY  
6 THE VERBAL AND NONVERBAL EXPRESSION OF TRAUMATIC STRESS BY A CHILD MAY  
7 BE DELAYED;

8 (VIII) ALL FORMS OF DOMESTIC VIOLENCE, INCLUDING SEXUAL  
9 VIOLENCE, STALKING, AND PSYCHOLOGICAL AGGRESSION;

10 (IX) THE IMMEDIATE AND LONG-TERM IMPACTS OF PARENT  
11 SEPARATION ON A CHILD;

12 (X) PROTECTIVE FACTORS THAT PROMOTE A CHILD'S HEALTHY  
13 RESOLUTION OF PARENT SEPARATION; AND

14 (XI) PROTECTIVE FACTORS AND PARENT PRACTICES THAT  
15 PROMOTE TRAUMA RECOVERY IN CASES OF CHILD ABUSE.

16 (C) (1) BEGINNING OCTOBER 1, 2024, IN ADDITION TO MEETING THE  
17 REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION AND COMPLYING WITH  
18 THE CONTINUING EDUCATIONAL REQUIREMENTS OF THE APPLICABLE FIELD,  
19 BEFORE APPOINTMENT OR APPROVAL BY A COURT AS A CUSTODY EVALUATOR, AN  
20 INDIVIDUAL MUST COMPLETE AT LEAST 20 HOURS OF INITIAL TRAINING IN THE  
21 FOLLOWING AREAS:

22 (I) NEUROTYPICAL INFANT AND CHILD DEVELOPMENT;

23 (II) THE IMPACT OF ADVERSE CHILDHOOD EXPERIENCES,  
24 TRAUMA, COMPLEX TRAUMA, AND CHRONIC TOXIC STRESS ON THE  
25 NEURODEVELOPMENT OF A CHILD AND THE VARIOUS RESPONSES OF CHILDREN TO  
26 TRAUMA;

27 (III) THE INVESTIGATION PROCESS AFTER A LAW ENFORCEMENT  
28 AGENCY OR LOCAL DEPARTMENT HAS RECEIVED A REPORT OF SUSPECTED CHILD  
29 ABUSE OR CHILD SEXUAL ABUSE, INCLUDING:

30 1. THE ROLE OF CHILD ADVOCACY CENTERS AND AN  
31 EXPLANATION OF THE FORENSIC INTERVIEW;

1                   2.    THE LIMITATIONS OF LOCAL DEPARTMENTS IN  
2 INVESTIGATING REPORTS OF SUSPECTED CHILD ABUSE AND CHILD SEXUAL ABUSE;  
3 AND

4                   3.    THAT THE LACK OF A FINDING OF INDICTED CHILD  
5 ABUSE OR CHILD SEXUAL ABUSE BY LAW ENFORCEMENT OR A LOCAL DEPARTMENT  
6 DOES NOT MEAN THAT CHILD ABUSE OR CHILD SEXUAL ABUSE DID NOT OCCUR;

7                   (IV) THE DYNAMICS AND EFFECTS OF CHILD SEXUAL ABUSE,  
8 INCLUDING GROOMING BEHAVIORS BY FAMILY OFFENDERS, AND THE DISCLOSURE  
9 OF CHILD SEXUAL ABUSE BASED ON DEVELOPMENTAL STAGES OF THE CHILD,  
10 INCLUDING DELAYED DISCLOSURE;

11                   (V) THE DYNAMICS AND EFFECTS OF PHYSICAL AND  
12 EMOTIONAL CHILD ABUSE;

13                   (VI) THE DYNAMICS AND EFFECTS OF DOMESTIC VIOLENCE,  
14 INCLUDING COERCIVE CONTROL, LETHALITY ASSESSMENTS, LITIGATION ABUSE,  
15 AND THAT DOMESTIC VIOLENCE CAN OCCUR WITHOUT A PARTY SEEKING OR  
16 OBTAINING A PROTECTIVE ORDER OR ANY OTHER DOCUMENTED EVIDENCE OF  
17 ABUSE;

18                   (VII) THE IMPACT OF EXPOSURE TO DOMESTIC VIOLENCE ON  
19 CHILDREN AND THE IMPORTANCE OF CONSIDERING THIS IMPACT WHEN MAKING  
20 CHILD CUSTODY AND VISITATION DECISIONS;

21                   (VIII) THE POTENTIAL IMPACT OF CUSTODY BIAS AND IMPLICIT  
22 BIAS ON CHILD CUSTODY DECISIONS, INCLUDING THE CORE PROBLEM OF A BIAS OF  
23 PRESUMPTION OF COACHING IN CUSTODY CASES AND THAT ALLEGATIONS OF ABUSE  
24 ARE FALSE;

25                   (IX) INFORMATION ON HOW SURVIVORS OF DOMESTIC VIOLENCE  
26 MAY PRESENT INFORMATION IN A MANNER THAT DOES NOT CONFORM TO GENERAL  
27 EXPECTATIONS FOR CREDIBILITY;

28                   (X) BEST PRACTICES TO ENSURE THAT REASONABLE AND  
29 FEASIBLE PROTECTIVE MEASURES ARE TAKEN TO REDUCE THE RISK OF  
30 TRAUMATIZATION OR RE-TRAUMATIZATION BY THE COURT PROCESS ON THE CHILD,  
31 INCLUDING AVAILABLE METHODS TO OBTAIN RELEVANT INFORMATION WITHOUT  
32 THE NECESSITY OF REPEATED, DETAILED INTERVIEWS OF THE CHILD;

33                   (XI) BACKGROUND AND CURRENT RESEARCH-INFORMED  
34 LITERATURE REGARDING PARENTAL ALIENATION, ITS INVALIDITY AS A SYNDROME,

1 AND THE INAPPROPRIATENESS OF ITS USE IN CHILD CUSTODY CASES;

2 (XII) THE LIMITATIONS OF SEXUAL OFFENDER EVALUATIONS  
3 AND RISK ASSESSMENTS IN THE ADJUDICATORY PHASE OF CHILD SEXUAL ABUSE  
4 CASES AND THE ETHICAL PROHIBITIONS ON THE USE OF THESE ASSESSMENTS TO  
5 DETERMINE LIKELIHOOD OF OFFENDING;

6 (XIII) TOOLS THAT CAN HELP ASSESS THE CREDIBILITY OF A  
7 CHILD WITNESS AND INFORMATION ON HOW METHODS SUCH AS CHILD THERAPY  
8 AND EXPRESSIVE ARTS ARE LEGITIMATE THERAPEUTIC TOOLS TO MEASURE BOTH  
9 THE DEGREE OF TRAUMATIC IMPACT AND THE EFFECTIVENESS OF THERAPEUTIC  
10 AND SYSTEM INTERVENTION;

11 (XIV) THE CORRELATION BETWEEN CHILD SEXUAL ABUSE AND  
12 CHILD PORNOGRAPHY;

13 (XV) APPROPRIATE STANDARDS FOR THE KNOWLEDGE,  
14 EXPERIENCE, AND QUALIFICATIONS OF CHILD SEXUAL ABUSE EVALUATORS AND  
15 TREATMENT PROVIDERS AND THE LEGAL AND ETHICAL CONSIDERATIONS OF  
16 ALLOWING OR RELYING ON UNQUALIFIED EVALUATORS AND THERAPISTS TO  
17 PRACTICE OUTSIDE THEIR FIELDS OF EXPERTISE; AND

18 (XVI) HOW THE INAPPROPRIATE APPLICATION OF THE BEST  
19 INTEREST OF THE CHILD STANDARD CAN HARM CHILDREN SUFFERING FROM ABUSE  
20 AND THE NECESSITY OF WEIGHING THE PHYSICAL AND PSYCHOLOGICAL SAFETY OF  
21 THE CHILD BEFORE WEIGHING OTHER BEST INTEREST FACTORS.

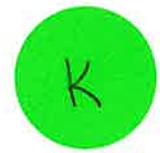
22 (2) FOLLOWING COMPLETION OF THE INITIAL TRAINING  
23 REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, IN ORDER FOR A  
24 COURT TO CONTINUE TO APPOINT OR APPROVE AN INDIVIDUAL AS A CUSTODY  
25 EVALUATOR, THE INDIVIDUAL MUST COMPLETE 5 HOURS OF CONTINUING  
26 EDUCATION AND TRAINING EVERY 2 YEARS.

27 (D) IN ANY ACTION IN WHICH CHILD SUPPORT, CUSTODY, OR VISITATION IS  
28 AT ISSUE, A COURT SHALL PROVIDE INFORMATION TO THE PARTIES REGARDING THE  
29 ROLE, AVAILABILITY, AND COST OF A CUSTODY EVALUATOR IN THE JURISDICTION.

30 (E) BEFORE ENGAGING IN THE CUSTODY EVALUATION PROCESS, A  
31 CUSTODY EVALUATOR SHALL PROVIDE, IN WRITING, INFORMATION REGARDING THE  
32 POLICIES, PROCEDURES, AND FEES AND COSTS FOR THE EVALUATION.

33 (F) THE ADMINISTRATIVE OFFICE OF THE COURTS MAY ADOPT  
34 PROCEDURES TO IMPLEMENT THIS SECTION.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
2 1, 2023.



# SENATE BILL 14

J2

(PRE-FILED)

3lr0685  
CF 3lr1158

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By: **Senator Augustine**  
Requested: November 4, 2022  
Introduced and read first time: January 11, 2023  
Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Clinical and Graduate Alcohol and Drug Counselors –**  
3 **Licensure**

4 FOR the purpose of altering the educational requirements that individuals must meet to  
5 be licensed as clinical or graduate alcohol and drug counselors; and generally  
6 relating to clinical and graduate alcohol and drug counselors.

7 BY repealing and reenacting, with amendments,  
8 Article – Health Occupations  
9 Section 17–302 and 17–309  
10 Annotated Code of Maryland  
11 (2021 Replacement Volume and 2022 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article – Health Occupations  
14 Section 17–305  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2022 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 That the Laws of Maryland read as follows:

19 **Article – Health Occupations**

20 17–302.

21 (a) To qualify for a license to practice clinical alcohol and drug counseling, an  
22 applicant shall be an individual who meets the requirements of this section.

23 (b) The applicant shall be of good moral character.

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



1 (c) The applicant shall be at least 18 years old.

2 (d) [(1)] Except as provided in § 17-305 of this subtitle, the applicant shall [at a  
3 minimum]:

4 [(i)] (1) Hold a master's or doctoral degree in a [health and human  
5 services] PROFESSIONAL counseling field from [a regionally] AN accredited educational  
6 institution that is approved by the Board; [or] AND

7 [(ii)] Hold a master's degree from a regionally accredited educational  
8 institution and have completed a program of studies judged by the Board to be substantially  
9 equivalent in subject matter as may be required by the Board in regulation.]

10 (2) [The applicant shall have] HAVE completed any additional educational  
11 requirements established by the Board in regulation.

12 (e) The applicant shall:

13 (1) Have completed not less than 2 years with a minimum of 2,000 hours  
14 of supervised experience in alcohol and drug counseling, which shall have been completed  
15 after the award of the master's or doctoral degree; and

16 (2) Provide documentation as required by the Board evidencing the  
17 completion of the postgraduate experience required under item (1) of this subsection.

18 (f) The applicant shall provide documentation to the Board evidencing the  
19 completion of any educational requirements established by the Board in regulation,  
20 completed at [a regionally] AN accredited educational institution approved by the Board.

21 (g) Except as otherwise provided in this title, the applicant shall pass:

22 (1) An examination approved by the Board; and

23 (2) The law examination on this title administered by the Board.

24 17-305.

25 (a) The Board shall waive the requirements for licensure for an applicant to  
26 practice clinical alcohol and drug counseling if the applicant:

27 (1) Holds a license as a clinical alcohol and drug counselor in another state,  
28 territory, or jurisdiction that is equivalent to the license the applicant is applying for under  
29 this subtitle;

30 (2) Submits an application to the Board on a form that the Board requires;

1 (3) Pays to the Board an application fee set by the Board; and

2 (4) Satisfies any other educational and experience requirements  
3 established by the Board.

4 (b) The Board may waive educational and experience requirements established  
5 under subsection (a)(4) of this section:

6 (1) Under circumstances determined by the Board; and

7 (2) For applicants who petition the Board for waiver.

8 (c) The Board shall adopt regulations to implement this section.

9 17-309.

10 (a) The Board may adopt regulations to allow an individual to practice under  
11 clinical supervision as a licensed graduate alcohol and drug counselor, a licensed graduate  
12 marriage and family therapist, a licensed graduate professional counselor, or a licensed  
13 graduate professional art therapist.

14 (b) To qualify to practice as a licensed graduate alcohol and drug counselor, a  
15 licensed graduate marriage and family therapist, a licensed graduate professional  
16 counselor, or a licensed graduate professional art therapist, an individual shall be:

17 (1) Of good moral character; and

18 (2) At least 18 years old.

19 (c) An individual may practice graduate alcohol and drug counseling under  
20 supervision for a limited period of time if the individual has:

21 (1) [At a minimum, a] A master's or doctoral degree in a [health and  
22 human services] PROFESSIONAL counseling field from [a regionally] AN accredited  
23 educational institution THAT MEETS THE EDUCATIONAL REQUIREMENTS OF § 17-302  
24 OF THIS SUBTITLE; AND

25 [(2) A minimum of 27 semester credit hours or 41 quarter credit hours in  
26 alcohol and drug counselor training, including:

27 (i) A 3 semester credit hour or 5 quarter credit hour course taken at  
28 a regionally accredited educational institution in each of the following:

29 1. Medical aspects of chemical dependency;

30 2. Addictions treatment delivery;

SENATE BILL 14

- 3. Ethics that includes alcohol and drug counseling issues;
- 4. Abnormal psychology;
- 5. Group counseling; and
- 6. Individual counseling; and

(ii) Any three of the following 3 semester credit hour or 5 quarter credit hour courses taken at a regionally accredited educational institution:

- 1. Family counseling;
- 2. Theories of counseling;
- 3. Human development;
- 4. Topics in substance-related and addictive disorders; and
- 5. Treatment of co-occurring disorders; and

(3) (2) Passed:

(i) A national alcohol and drug counselor examination approved by the Board; and

(ii) The law examination on this title administered by the Board.

(d) An individual may practice graduate marriage and family therapy under supervision for a limited period of time if the individual has:

(1) A master's or doctoral degree in a marriage and family field that meets the educational requirements of § 17-303 of this subtitle; and

(2) Passed the National Marriage and Family Therapy Examination approved by the Board.

(e) An individual may practice graduate professional counseling under supervision for a limited period of time if the individual has:

(1) A master's or doctoral degree in a professional counseling field that meets the educational requirements of § 17-304 of this subtitle; and

(2) Passed the National Professional Counselor Examination approved by the Board.

1           (f)    An individual may practice graduate professional art therapy under  
2 supervision for a limited period of time if the individual has a master's or doctoral degree  
3 in art therapy that meets the educational requirements of § 17-304.1 of this subtitle.

4           (g)    An individual may not practice without approval by the Board.

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2023.



# SENATE BILL 78

3lr0821

J2

SB 230/22 – EHE

(PRE-FILED)

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By: **Senator Jackson**

Requested: November 16, 2022

Introduced and read first time: January 11, 2023

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health Occupations – Service Members, Veterans, and Military Spouses**  
3 **– Temporary Licensure, Certification, Registration, and Permitting**

4 FOR the purpose of requiring health occupations boards to issue an expedited temporary  
5 license, certificate, registration, or permit to a service member, veteran, or military  
6 spouse who meets certain requirements; requiring each health occupations board to  
7 include a check-off box prominently on a license, certification, or registration  
8 application form; requiring the Maryland Department of Health to publish  
9 prominently certain information on its website; and generally relating to temporary  
10 health occupational licensure, certification, registration, and permitting  
11 requirements for service members, veterans, and military spouses.

12 BY repealing and reenacting, with amendments,  
13 Article – Health Occupations  
14 Section 1-701, 1-704, and 1-705  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2022 Supplement)

17 BY adding to  
18 Article – Health Occupations  
19 Section 1-702.1  
20 Annotated Code of Maryland  
21 (2021 Replacement Volume and 2022 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

### Article – Health Occupations

24  
25 1-701.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (b) "Health occupations board" means a board authorized to issue a license,  
3 certificate, or registration under this article.

4 (c) (1) "Military spouse" means the spouse of a service member or veteran.

5 (2) "Military spouse" includes a surviving spouse of:

6 (i) A veteran; or

7 (ii) A service member who died within [1 year] **3 YEARS** before the  
8 date on which:

9 **1. FOR THE PURPOSES OF §§ 1-702 AND 1-703**  
10 **THROUGH 1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or**  
11 **registration is submitted; OR**

12 **2. FOR THE PURPOSES OF § 1-702.1 OF THIS SUBTITLE,**  
13 **THE APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR**  
14 **PERMIT IS SUBMITTED.**

15 (d) "Service member" means an individual who is an active duty member of:

16 (1) The [armed forces of the United States] **UNIFORMED SERVICES, AS**  
17 **DEFINED BY 10 U.S.C. § 101;**

18 (2) A reserve component of the armed forces of the United States; or

19 (3) The National Guard of any state.

20 (e) (1) "Veteran" means a former service member who was discharged from  
21 active duty under circumstances other than dishonorable within 1 year before the date on  
22 which:

23 **(I) FOR THE PURPOSES OF §§ 1-702 AND 1-703 THROUGH**  
24 **1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or registration**  
25 **is submitted; OR**

26 **(II) FOR THE PURPOSES OF § 1-702.1 OF THIS SUBTITLE, THE**  
27 **APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR**  
28 **PERMIT IS SUBMITTED.**

29 (2) "Veteran" does not include an individual who has completed active duty

1 and has been discharged for more than 1 year before:

2 (I) FOR THE PURPOSES OF §§ 1-702 AND 1-703 THROUGH  
3 1-705 OF THIS SUBTITLE, the application for a FULL license, certificate, or registration  
4 is submitted; OR

5 (II) FOR THE PURPOSES OF § 1-702.1 OF THIS SUBTITLE, THE  
6 APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR  
7 PERMIT IS SUBMITTED.

8 1-702.1.

9 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, EACH  
10 HEALTH OCCUPATIONS BOARD SHALL ISSUE AN EXPEDITED TEMPORARY LICENSE,  
11 CERTIFICATE, REGISTRATION, OR PERMIT TO A SERVICE MEMBER, VETERAN, OR  
12 MILITARY SPOUSE WHO MEETS THE REQUIREMENTS OF THIS SUBSECTION.

13 (2) A TEMPORARY LICENSE, CERTIFICATE, REGISTRATION, OR  
14 PERMIT ISSUED UNDER THIS SUBSECTION IS VALID UNTIL THE EARLIER OF:

15 (I) 6 MONTHS AFTER THE DATE OF ISSUANCE; OR

16 (II) THE DATE ON WHICH A LICENSE, CERTIFICATE,  
17 REGISTRATION, OR PERMIT IS GRANTED OR A NOTICE TO DENY A LICENSE,  
18 CERTIFICATE, REGISTRATION, OR PERMIT IS ISSUED BY THE HEALTH OCCUPATIONS  
19 BOARD.

20 (3) AN APPLICATION FOR A TEMPORARY LICENSE, CERTIFICATE,  
21 REGISTRATION, OR PERMIT TO PRACTICE A HEALTH OCCUPATION UNDER THIS  
22 SUBSECTION SHALL INCLUDE THE FOLLOWING, IN THE FORM AND MANNER  
23 REQUIRED BY THE HEALTH OCCUPATIONS BOARD:

24 (I) PROOF THAT THE APPLICANT IS A SERVICE MEMBER,  
25 VETERAN, OR MILITARY SPOUSE, INCLUDING:

26 1. FOR A SERVICE MEMBER OR VETERAN, A DD FORM  
27 214, PERMANENT CHANGE OF STATION ORDERS, OR A COMMON ACCESS CARD  
28 ISSUED BY THE U.S. DEPARTMENT OF DEFENSE; OR

29 2. FOR A MILITARY SPOUSE, A MARRIAGE CERTIFICATE  
30 AND ONE OF THE FORMS OF IDENTIFICATION LISTED IN ITEM 1 OF THIS ITEM;

31 (II) PROOF THAT:

1                   1.    **THE APPLICANT HAS HELD A VALID LICENSE,**  
2 **CERTIFICATE, REGISTRATION, OR PERMIT IN GOOD STANDING ISSUED IN ANOTHER**  
3 **STATE FOR AT LEAST 1 YEAR;**

4                   2.    **EACH VALID LICENSE, CERTIFICATE, REGISTRATION,**  
5 **OR PERMIT HELD BY THE APPLICANT ISSUED IN ANOTHER STATE IS IN GOOD**  
6 **STANDING; AND**

7                   3.    **EACH VALID LICENSE, CERTIFICATE, REGISTRATION,**  
8 **OR PERMIT HELD BY THE APPLICANT REQUIRED SUBSTANTIALLY SIMILAR**  
9 **QUALIFICATIONS AS THE LICENSE, CERTIFICATE, REGISTRATION, OR PERMIT FOR**  
10 **WHICH THE APPLICANT HAS APPLIED, AS DETERMINED BY THE HEALTH**  
11 **OCCUPATIONS BOARD;**

12                   (III) **IF THE APPLICANT IS A SERVICE MEMBER OR VETERAN,**  
13 **PROOF THAT THE APPLICANT IS ASSIGNED TO A DUTY STATION IN THE STATE OR**  
14 **HAS ESTABLISHED LEGAL RESIDENCE IN THE STATE;**

15                   (IV) **IF THE APPLICANT IS A MILITARY SPOUSE, PROOF THAT:**

16                   1.    **THE APPLICANT'S SPOUSE IS ASSIGNED TO A DUTY**  
17 **STATION IN THE STATE OR HAS ESTABLISHED LEGAL RESIDENCE IN THE STATE; OR**

18                   2.    **IF THE APPLICANT IS A SURVIVING SPOUSE**  
19 **DESCRIBED UNDER § 1-701(C)(2) OF THIS SUBTITLE, THE APPLICANT HAS**  
20 **ESTABLISHED LEGAL RESIDENCE IN THE STATE;**

21                   (V) **PROOF THAT THE APPLICANT HAS COMPLETED A NATIONAL**  
22 **CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH REGULATIONS**  
23 **ADOPTED BY THE HEALTH OCCUPATIONS BOARD;**

24                   (VI) **PROOF THAT THE APPLICANT HAS SUBMITTED AN**  
25 **APPLICATION FOR FULL LICENSURE, CERTIFICATION, REGISTRATION, OR**  
26 **PERMITTING; AND**

27                   (VII) **PAYMENT OF ANY APPLICATION FEE REQUIRED BY THE**  
28 **HEALTH OCCUPATIONS BOARD.**

29                   (B) (1) **A HEALTH OCCUPATIONS BOARD MAY APPLY TO THE SECRETARY**  
30 **FOR APPROVAL OF AN ALTERNATIVE PROCESS FOR LICENSURE, CERTIFICATION,**  
31 **REGISTRATION, OR PERMITTING THAT DOES NOT MEET THE REQUIREMENTS OF**  
32 **SUBSECTION (A) OF THIS SECTION BUT THAT ALLOWS SERVICE MEMBERS,**  
33 **VETERANS, AND MILITARY SPOUSES TO OBTAIN A LICENSE, CERTIFICATE,**  
34 **REGISTRATION, OR PERMIT UNDER THIS ARTICLE IN AN EXPEDITED MANNER THAT**

1 MEETS THE GOALS OF SUBSECTION (A) OF THIS SECTION.

2 (2) IF THE SECRETARY APPROVES AN ALTERNATIVE PROCESS FOR  
3 LICENSURE, CERTIFICATION, REGISTRATION, OR PERMITTING UNDER PARAGRAPH  
4 (1) OF THIS SUBSECTION, THE HEALTH OCCUPATIONS BOARD SHALL BE  
5 CONSIDERED TO HAVE FULFILLED THE REQUIREMENTS OF SUBSECTION (A) OF THIS  
6 SECTION.

7 1-704.

8 (a) [(1)] Each health occupations board shall [develop]:

9 (1) DEVELOP a procedure by which an individual who applies for a license,  
10 certificate, or registration can notify the board that the individual is a service member,  
11 veteran, or military spouse[.]; AND

12 (2) [A health occupations board may satisfy the requirement of paragraph  
13 (1) of this subsection by including] INCLUDE a check-off box PROMINENTLY on [a] EACH  
14 license, certificate, or registration application form.

15 (b) For each applicant who is a service member, veteran, or military spouse, a  
16 health occupations board shall assign to the applicant an advisor to assist the individual  
17 with the application process.

18 (c) (1) Each health occupations board shall expedite the process for the  
19 licensure, certification, or registration of a service member, veteran, or military spouse.

20 (2) If a service member, veteran, or military spouse meets the  
21 requirements for licensure, certification, or registration, a health occupations board shall  
22 issue the license, certificate, or registration within 15 business days after receiving a  
23 completed application.

24 (d) If a health occupations board determines that a service member, veteran, or  
25 military spouse does not meet the education, training, or experience requirements for  
26 licensure, certification, or registration, a representative of the board shall assist the service  
27 member, veteran, or military spouse in identifying:

28 (1) Programs that offer relevant education or training; or

29 (2) Ways of obtaining needed experience.

30 (E) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2025, THE  
31 DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH  
32 § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON THE PROCESSING OF  
33 APPLICATIONS FROM SERVICE MEMBERS, MILITARY SPOUSES, AND VETERANS,  
34 INCLUDING, FOR THE IMMEDIATELY PRECEDING 12-MONTH PERIOD:

1           **(1) FOR EACH HEALTH OCCUPATIONS BOARD:**

2                   **(I) THE NUMBER OF APPLICATIONS RECEIVED FROM SERVICE**  
3 **MEMBERS, MILITARY SPOUSES, AND VETERANS;**

4                   **(II) THE NUMBER OF APPLICATIONS INCLUDED UNDER ITEM (I)**  
5 **OF THIS ITEM THAT WERE PROCESSED;**

6                   **(III) THE NUMBER OF APPLICATIONS INCLUDED UNDER ITEM (I)**  
7 **OF THIS ITEM THAT WERE NOT PROCESSED; AND**

8                   **(IV) FOR THE APPLICATIONS INCLUDED UNDER ITEM (III) OF**  
9 **THIS ITEM, THE REASON WHY PROCESSING WAS DELAYED; AND**

10           **(2) IF A HEALTH OCCUPATIONS BOARD RECEIVED APPLICATIONS**  
11 **FROM SERVICE MEMBERS, MILITARY SPOUSES, AND VETERANS THAT WERE NOT**  
12 **PROCESSED, THE PLAN OF THE HEALTH OCCUPATIONS BOARD TO IMPROVE THE**  
13 **PROCESSING OF APPLICATIONS FROM SERVICE MEMBERS, MILITARY SPOUSES, AND**  
14 **VETERANS.**

15 1-705.

16           **(A) Each health occupations board shall publish prominently on its website**  
17 **information on:**

18                   **(1) The expedited licensing process available to service members, veterans,**  
19 **and military spouses under § 1-704 of this subtitle; and**

20                   **(2) Any assistance and services related to licensure, certification, or**  
21 **registration provided by the board to service members, veterans, and military spouses.**

22           **(B) THE DEPARTMENT SHALL PUBLISH PROMINENTLY ON ITS WEBSITE THE**  
23 **INFORMATION THAT EACH HEALTH OCCUPATIONS BOARD IS REQUIRED TO PUBLISH**  
24 **UNDER SUBSECTION (A) OF THIS SECTION.**

25           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2024,  
26 the Maryland Department of Health shall report to the General Assembly, in accordance  
27 with § 2-1257 of the State Government Article, on the procedures developed by each health  
28 occupations board under § 1-704 of the Health Occupations Article, as enacted by Section  
29 1 of this Act.

30           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2023.



# HOUSE BILL 82

J1, F1

(PRE-FILED)

3lr0452  
CF 3lr0504

By: **Delegates Charkoudian and Cullison**  
Requested: September 26, 2022  
Introduced and read first time: January 11, 2023  
Assigned to: Health and Government Operations

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance and Children’s Health Insurance Programs –**  
3 **School–Based Behavioral Health Services – Reimbursement**

4 FOR the purpose of requiring, on or before a certain date, the Maryland Department of  
5 Health to apply to the Centers for Medicare and Medicaid Services for a State plan  
6 amendment authorizing certain reimbursement of behavioral health services when  
7 provided in a school setting by certain health care providers under the Maryland  
8 Medical Assistance Program or the Maryland Children’s Health Insurance Program;  
9 and generally relating to the Maryland Medical Assistance Program, the Maryland  
10 Children’s Health Insurance Program, and school–based behavioral health services.

11 BY adding to  
12 Article – Health – General  
13 Section 15–151  
14 Annotated Code of Maryland  
15 (2019 Replacement Volume and 2022 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **15–151.**

20 **(A) ON OR BEFORE DECEMBER 1, 2023, THE DEPARTMENT SHALL APPLY TO**  
21 **THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR A STATE PLAN**  
22 **AMENDMENT THAT AUTHORIZES THE STATE TO PROVIDE FOR:**

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



1           **(1) REIMBURSEMENT FOR MEDICALLY NECESSARY BEHAVIORAL**  
2 **HEALTH SERVICES PROVIDED IN A SCHOOL SETTING TO ALL INDIVIDUALS**  
3 **ENROLLED IN THE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM,**  
4 **WITHOUT REGARD TO WHETHER THE SERVICES ARE PROVIDED UNDER AN**  
5 **INDIVIDUALIZED EDUCATIONAL PROGRAM OR INDIVIDUALIZED FAMILY SERVICE**  
6 **PLAN; AND**

7           **(2) PROGRAM AND MARYLAND CHILDREN'S HEALTH INSURANCE**  
8 **PROGRAM ADMINISTRATIVE CLAIMING, TO THE EXTENT PERMITTED UNDER**  
9 **FEDERAL LAW.**

10           **(B) TO THE MAXIMUM EXTENT PERMITTED UNDER FEDERAL AND STATE**  
11 **LAW, SERVICES REIMBURSED UNDER THE STATE PLAN AMENDMENT REQUESTED**  
12 **UNDER SUBSECTION (A) OF THIS SECTION SHALL BE REIMBURSABLE WHEN**  
13 **PROVIDED IN A SCHOOL SETTING BY A MENTAL HEALTH PROVIDER WORKING**  
14 **WITHIN THEIR SCOPE OF PRACTICE, INCLUDING:**

15           **(1) SCHOOL COUNSELORS, SCHOOL PSYCHOLOGISTS, SCHOOL**  
16 **SOCIAL WORKERS, AND OTHER BEHAVIORAL HEALTH PROFESSIONALS AND**  
17 **PARAPROFESSIONALS CERTIFIED BY THE MARYLAND STATE DEPARTMENT OF**  
18 **EDUCATION;**

19           **(2) SCHOOL NURSES CERTIFIED BY THE MARYLAND STATE**  
20 **DEPARTMENT OF EDUCATION;**

21           **(3) SOCIAL WORKERS LICENSED UNDER TITLE 19 OF THE HEALTH**  
22 **OCCUPATIONS ARTICLE; AND**

23           **(4) MARRIAGE AND FAMILY THERAPISTS LICENSED UNDER TITLE 17**  
24 **OF THE HEALTH OCCUPATIONS ARTICLE.**

25           **(C) ON OBTAINING FEDERAL APPROVAL UNDER THIS SECTION, THE**  
26 **DEPARTMENT SHALL UPDATE ITS REGULATIONS, PROVIDER MANUALS, AND OTHER**  
27 **SUBREGULATORY GUIDANCE TO REFLECT CHANGES TO THE PROGRAM MADE**  
28 **UNDER THIS SECTION.**

29           **(D) THE DEPARTMENT SHALL PROVIDE REGULAR TRAINING AND**  
30 **TECHNICAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES AND MENTAL HEALTH**  
31 **PROFESSIONALS WORKING IN A SCHOOL SETTING ON PROGRAM ENROLLMENT,**  
32 **BILLING, DOCUMENTATION, AND OTHER TOPICS RELATED TO COMPLIANCE AND**  
33 **QUALITY ASSURANCE.**

34           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
35 **October 1, 2023.**