

**MMAC REGULATIONS REPORT
OCTOBER 2018**

COMAR	TITLE	PURPOSE	AELR DATE	DATE OF 1 ST PRINTING IN MD REG	30-DAY COMMENT PERIOD: COMMENTS REC'D?	DATE OF FINAL PRINT IN MD. REG.	APPROVED (10 DAYS AFTER FINAL)
10.01.04	Fair Hearing	The purpose of this action is to update the Department's fair hearing regulations, which set forth the criterion for determining whether a Medicaid applicant's fair hearing appeal will be granted (30—45 day cleanup).	10/4/18	11/9/18 Ant.	11/9/18—12/10/18 Ant.		
10.09.10	Nursing Facilities	The purpose of this action is to implement a 3 percent rate increase for nursing facility services in accordance with the State's budget for Fiscal Year 2019. In addition, the Interim Working Capital Fund will be extended for 1 year.	9/28/18	11/9/18 Ant.	11/9/18—12/10/18 Ant.		
10.09.20	Community Personal Assistance Services	The purpose of this action is to: (1) Clarify Definitions; (2) Add participation requirements for all Community Personal Assistance Services providers to be free from conflicts of interest and for personal assistance providers to conduct criminal history record checks on all direct service workers; (3) Clarify covered services related to transition services for supports planning; and (4) Change the methodology for payment to a daily rate for participants who require more than 12 hours of service per day.	8/29/18	10/12/18	10/12/18—11/13/18		
10.09.07; .20; .27; .53; .54; .56; and .84	Home and Community-Based Services	The purpose of this action is to implement a 3 percent rate increase for services under these chapters in accordance with the State's budget for Fiscal Year 2019 and to update the indexing methodology for subsequent rate increases. This action will also implement consistent policies for maintaining fee schedules and revise an incorrect citation.	8/29/18	11/9/18 Ant.	11/9/18—12/10/18 Ant.		
10.09.65	MCOs: VBP	The purpose of the proposed action is to update the incentive and financial methodology to implement an incentive-only point system for value based purchasing.	8/23/18	9/28/18	9/28/18—10/29/18		
10.09.06	Adult Residential SUD	The purpose of this proposal is to add coverage for and requirements of ASAM level 3.1.	8/15/18	9/28/18	9/28/18—10/29/18		
10.09.62-.68; .71; .72; .73; .75; and .86	MCOs (July)	The purpose of this proposal is to implement regulations to comply with newly adopted federal regulations impacting MCO requirements and oversight (42 CFR Parts 438). The new requirements include network adequacy standards and oversight, encounter data requirements, updating the MLR calculation methodology and the MCO's handling of complaints grievances and appeals.	8/23/18	9/28/18	9/28/18—10/29/18		

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10.09.02	Physician Services	The purpose of this proposal is to update the regulation to incorporate an updated Maryland Medical Assistance Program Professional Services Provider Manual and the Physicians' Services Fee Schedule, which reflects an increase in the Evaluation and Management procedure codes for physicians from 92 percent to 93 percent of the Medicare rate.	8/14/18	9/28/18	9/28/18—10/29/18		
10.09.48	Targeted Case Management for People with Intellectual and Developmental Disabilities	The purpose of this action is to implement a 3.5 percent cost of living allowance for targeted case management providers in accordance with Health General Article, §7-307(d), Annotated Code of Maryland.	8/2/18	9/14/18	9/14/18—10/15/18		
10.09.59	Specialty Mental Health Services	The purpose of this action is to: (1) Allow a psychiatrist in Assertive Community Treatment (ACT) and Mobile Treatment to provide services via telehealth, in accordance with SB 704 (Ch. 691); (2) Adds licensed clinical art therapists (LCPAT) to list of licensed mental health professionals whose services Maryland Medicaid will reimburse, in accordance with HB 298 (Ch. 219); (3) Removes occupational therapists from the specialty mental health chapter to eliminate duplication; and (4) Removes references to repealed BHA regulations under COMAR 10.09.21.	8/2/18	9/14/18	9/14/18—10/15/18		
10.09.23	EPSDT Services	The purpose of this proposal is to: (1) Update the title of the EPSDT manual to reflect its inclusion of audiology and physical therapy services; (2) Add physician assistants as a health care practitioner the Program will consider for certification by the Healthy Kids Program as an EPSDT screening provider; (3) Add clinically managed high intensity residential services (ASAM level 3.5) to the levels of care covered in Intermediate Care Facilities for patients under the age of 21; (4) Remove residential rehabilitation service providers as EPSDT treatment providers; (5) Update references to 10.63 in place of 10.47 which will be repealed by the BHA; and (6) Clarify that the Intermediate Care Facilities shall provide separate social, residential, dietary, and recreational activities for	8/2/18	9/14/18	9/14/18—10/15/18		

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		children and adolescents, if appropriate.					
10.09.37; .58	Family Planning	The purposes of this proposal are to expand family planning eligibility by increasing the income limits and eliminating gender and age requirements for those who are able to receive benefits, in accordance with Senate Bill 774 Maryland Medical Assistance Program- Family Planning Services, 2018, Health and Government Operations.	8/2/18	9/14/18	9/14/18—10/15/18		
10.09.03; 10.09.21	Pharmacy; Pharmacists	The purpose of this action is to: (1) Establish requirements for individual pharmacists who enroll in the Program in order to counsel and prescribe certain contraceptive medications and self-administered contraceptive devices to Maryland Medicaid participants, in accordance with Article II, Section 17(c) of the Maryland Constitution - Chapter 821; and (2) Update the definition of pharmacist to reflect updated scope of practice.	8/2/18	9/14/18	9/14/18—10/15/18		
10.09.52	Service Coordination for Children with Disabilities	The purpose of this action is to correct a typographical error in the definition of a “unit of service” with respect to a completed autism waiver plan of care review.	8/2/18	9/14/18	9/14/18—10/15/18		
10.09.95	Special Psychiatric Hospitals	The purpose of this action is to align the payment methodology for out-of-State psychiatric hospitals with payment methodology for other out-of-State hospitals by reimbursing them the lesser of its charges or the amount reimbursable by the host state’s Title XIX agency.	8/2/18	9/14/18	9/14/18—10/15/18		
10.09.24.0 4-1	Medical Assistance Eligibility	The purpose of this action is to amend the processing application time limitations for MAGI-exempt coverage groups from 30 days to 45 days, matching the time limitation set under federal regulations.	8/2/18	9/14/18	9/14/18—10/15/18		
10.09.03.0 5	Pharmacy	The purpose of the propose action is to extend the length of time contraceptive prescriptions may be supplied at one time from 6 months to 12 months, in accordance with Senate Bill 774 / House Bill 994 (Chapters 464 and 465, Acts of 2018). Additionally, the proposed action adds language to clarify that the Program does not cover drugs or products that are not medically necessary.	6/7/18	7/20/18	7/20/18—8/20/18	10/12/18	10/22/18 Ant.
10.01.04 and .05; 10.09.63,	MCOs	The purposes of this proposal are to correct the time frame and conditions under which an enrollee can request a State fair hearing, repeal the Board of Review regulations, update eligibility	6/7/18	7/20/18	7/20/18—8/20/18	10/12/18	10/22/18 Ant.

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.67, and .70		regulations to coincide with current business practices, require that enrollees applying through the Maryland Health Exchange chose an MCO at time of application or be auto assigned to an MCO, and require MCOs to cover audiology for adults and children and remote patient monitoring.					
10.09.51.0 1-.07	Audiology Services	The proposed regulations update the language for audiology services and expand audiology services to Maryland Medicaid participants over the age of 21 years.	4/1/18	6/22/18	6/22/18—7/23/18	10/12/18	10/22/18 Ant.