

**MMAC REGULATIONS REPORT
NOVEMBER 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)
10.09.28	ABA Services	The purpose of this proposal is to update the definitions, service descriptions, and rates associated with Applied Behavioral Analysis (ABA) Services to reflect the American Medical Association's (AMA) published code revisions, which will go into effect January 1, 2019.					
10.09.93	Chronic Hospitals	The purpose of this proposal is to clarify the definition of "chronic hospital" as not a "long term care facility" for purposes of Medicaid reimbursement, consistent with federal regulation; to clarify the nature and frequency of rehabilitation services provided by a chronic hospital; and to establish a new period for concurrent review of the continued medical necessity of a recipient's chronic hospital services.					
10.09.08	Freestanding Clinics	The purpose of this action is to amend the date that rate revisions are effective for FQHCs that are approved for a change of scope through HRSA.					
10.09.69	MMMCP: REM	The purpose of this proposal is to correct a reference to the chapter regarding an individual's right to appeal an MCO's determination, implement a 3 percent rate increase for services under this chapter in accordance with the State's budget for Fiscal Year 2019, and incorporate a new REM diagnosis code.					
10.09.70	Non-capitated Covered Services	The purpose of this action is to update the list of carved out behavioral health diagnosis codes, to reflect updates made to the International Classification of Diseases, 10th Revision (ICD 10) codes.					
10.09.07; .61	Adult Medical Day Care	The purpose of this action is to allow nurse practitioners and physician assistants, as well as physicians, to act as primary care providers and issue medical orders for medical day care services. The proposal also revises social worker duties and clarifies that providers may not bill for services for a number of participants that exceeds the provider's licensed capacity on a given day.					
10.09.24.0 2, .03, and .08-2	Medical Assistance Eligibility	The purpose of this proposal is to make the following amendments in order to comply with federal Medicaid requirements: (1) Define the term "postpartum period"; (2) Clarify eligibility criteria for transitional Medical Assistance coverage for low-income parents and caretaker relatives; (3) Add language to explain continuous eligibility for pregnant women; and (4) Clarify that a participant may establish his or her own Special Needs Trust.	11/13/18	12/21/18 Ant.	12/21/18– 1/22/19 Ant.		

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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	11/26/18 Ant.	11/26/18—12/26/18 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	11/9/18—12/10/18		
10.09.05	Dental Services	The purpose of this proposal is to outline parameters for coverage of certain medically necessary dental services for dual-eligible participants ages 21 through 64, pursuant to Senate Bill 284, Maryland Medical Assistance Program- Dental Coverage for Adults, 2018.					
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 NOFA in signoff		
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	11/9/18—12/10/18		
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 Final AAA in signoff		
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 Final AAA in signoff		

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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 Final AAA in signoff		
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 NOFA submitted		
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 NOFA submitted		
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 Final AAA submitted		
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	8/2/18	9/14/18	9/14/18—10/15/18 NOFA submitted		

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		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 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 NOFA submitted		
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 NOFA submitted		
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 NOFA submitted		
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 NOFA submitted		
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 NOFA submitted		