

Internal Regulations Report: MMAC May 2023

COMAR	TITLE	PURPOSE	DATE GOV APPROVED/S UB'D TO AELR	DATE OF 1ST PRINT IN MD REG.	30-DAY COMMENT PERIOD: COMMENTS REC'D?	DATE OF FINAL PRINT IN MD REG.	DATE APPROVED (10 DAYS AFTER FINAL)
10.09.49 & 10.09.96	Telehealth Services & Remote Patient Monitoring	To update the Maryland Medicaid telehealth and remote patient monitoring regulations in compliance with Senate Bill 3, Preserve Telehealth Access Act of 2021.	Sent to AELR: 10/3/22	11/18/22	Comment Period Ended 12/19/22. Pending Replies	Final AAA Started Sign-off: 5/5/23	
10.09.55	Physician Assistants	To align regulations with current policy and practice related to services appropriately rendered via telehealth by physician assistants.	Sent to AELR: 11/10/22	12/30/22	Comment Period Ended 1/30/23. No Comments Received	Final AAP Submitted to OGA: 3/20/23	
10.09.05	Dental Services	To align regulations with current policy and practice related to services appropriately rendered via telehealth by dental providers. Clarifies periodontal preauthorization requirements, removes occlusal adjustment preauthorization requirements, and incorporates by reference the 2022 Dental Fee Schedule. Further aligns regulations to permit Medicaid to provide coverage of dental services for adults effective January 1, 2023.	Sent to AELR: 10/14/22	12/30/22	Comment Period Ended 1/30/23. Replies Sent	Final AAA Submitted to OGA: 5/12/23	
10.09.02	Physician Services	To update the Maryland Medical Assistance Program Professional Service Provider Manual and Fee Schedule incorporated by reference; allow services rendered via telehealth to be reimbursed in compliance with COMAR 10.09.49 and remove limitations on the reimbursement of services rendered by telephone between in accordance with SB03; clarify the services for which a provider may be reimbursed up to acquisition costs; allow physicians to be reimbursed for visits solely for the purpose of administering certain vaccines; change the outdated term recipient to participant; and correct a reference in Regulation .09 to the provider participation criteria in Regulation .03.	Sent to AELR: 12/9/22	1/13/23	Comment Period Ended 2/13/23. Pending Replies	Final AAP Submitted to OGA: 5/10/23	
10.09.77	Urgent Care Centers	The purpose of this action is to: Ease the condition for participation that an urgent care center have a physician on site during hours of operation by allowing certified nurse practitioners and physician assistants to satisfy this requirement; permit services rendered via telehealth to be reimbursed in compliance with COMAR 10.09.49 Telehealth Services; and replace outdated term 'recipient' with 'participant' throughout the chapter.	Sent to AELR: 12/9/22	1/13/23	Comment Period Ended 2/13/23. No Comments Received	Final AAP Submitted to OGA: 3/23/23	
10.09.40, 10.09.52, & 10.09.76	Early Intervention Services Case Management, Service Coordination for Children with Disabilities, & SBHC	Combined education proposal: 10.09.40 – updates terminology to reflect current practices; 10.09.52 – clarifies distinctions between service coordination for Autism Waiver and IEP/IFSP participants; 10.09.76 -- Align regulations with the provisions of Senate Bill 830, Secretary of Health – School Based Health Centers – Guidelines and Administration of Grants, 2021, Ch. 606 & Senate Bill 3, Preserve Telehealth Access Act of 2021.	Sent to AELR: 11/10/22	1/13/23	Comment Period Ended 2/13/23. Pending Replies	Final AAA Status: Program Staff Drafting	
10.09.54	Home and Community Based Options Waiver (HCBOW)	The purpose of this action is to clarify coverage for services provided via telehealth to Medicaid participants by Home and Community-Based Options Waiver (HCBOW) providers, in accordance with Senate Bill 3, Preserve Telehealth Access Act of 2021. Additionally, the proposed action adds the HCBOW services fee schedule to the payment procedures regulation.	Sent to AELR: 12/13/22	2/10/23	Comment Period Ended 3/13/23. Replies Sent	Final AAP Submitted to OGA: 5/4/23	
10.09.16	Behavioral Health Crisis Services	The purpose of the proposed action is to implement Maryland Medicaid's coverage of behavioral health crisis services. Pursuant to the 2023 Governor's Supplemental Budget (No. 5), which provides funds to expand capacity for individuals experiencing mental health crises, this proposal will establish the behavioral health crisis stabilization center service. This proposal also establishes the mobile crisis response team service and codifies the coverage, requirements, and reimbursement procedures for these two new benefits.	Sent to AELR: 12/13/22	2/24/23	Comment Period Ended 3/27/23.		

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10.09.80	Community Based Substance Use Disorder Services	The purpose of the proposed action is to update the listed provider reimbursement rate to the 7.25 percent increased rate, effective for Fiscal Year 2023, pursuant to Senate Bill 290 Fiscal Year 2023 Budget (2022) and the Governor’s supplemental budget. This proposal also adds coverage of peer recovery support service, establishes the providers eligible to provide this service, and sets the requirements for reimbursement.	Sent to AELR: 1/18/23	2/24/23	Comment Period Ended 3/27/23. Replies Sent	Final AAA Print Date: 5/5/23	Proposal Effective as of: 5/15/23
10.09.56	Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder	The purpose of this action is to incorporate the Autism Waiver services fee schedule into regulations, including increased reimbursement rates for services covered under this chapter, pursuant to Ch. 484 (Senate Bill 290), Acts of 2022 - Fiscal Year 2023 Budget Bill and the Governor’s Supplemental Budget.	Sent to AELR: 12/13/22	2/24/23	Comment Period Ended 3/27/23. No Comments Received	Final AAP Submitted to OGA: 5/3/23	
10.09.15	Podiatry Services	To align regulations with current policy and practice related to services appropriately rendered via telehealth by podiatry services providers, and replace term “recipient” with “participant” to reflect current terminology.	Sent to AELR: 11/10/22	2/24/23	Comment Period Ended 3/27/23. No Comments Received	Final AAP Started Sign-off: 4/8/23	
10.09.01	Advance Practice Nurse Services	To align regulations with current practices for rendering of telehealth in compliance with COMAR 10.09.49, and remove the term “recipient” and replace it with “participant”.	Sent to AELR: 11/10/22	2/24/23	Comment Period Ended 3/27/23. No Comments Received	Final AAP Started Sign-off: 4/10/23	
10.09.17	Physical Therapy Services	To align regulations with current policy and practice related services rendered via telehealth by cross-referencing requirements established in COMAR 10.09.49 Telehealth Services.	Sent to AELR: 11/10/22	2/24/23	Comment Period Ended 3/27/23. No Comments Received	Final AAP Submitted to OGA: 5/4/23	
10.09.48	Targeted Case Management for People with Developmental Disabilities (DDA TCM)	The purpose of this action is to increase the reimbursement rate for Developmental Disabilities Administration (DDA) targeted case management (TCM) providers by 8 percent.	Sent to AELR: 12/13/22	3/24/23	Comment Period Ended 4/24/23. No Comments Received		
10.09.10	Nursing Facility Services	The purpose of the proposed action is to update the budget adjustment factor for FY 2023 and extend the sunset date for the Interim Working Capital Fund for one year.	Sent to AELR: 1/24/23	3/24/23	Comment Period Ended 4/24/23. No Comments Received	Final AAP Started Sign-off: 5/3/23	
10.09.89	1915(i)	The purpose of the proposed action is to update the listed provider reimbursement rate to the 7.25 percent increased rate, effective for Fiscal Year 2023, pursuant to Senate Bill 290 Fiscal Year 2023 Budget (2022) and the Governor’s supplemental budget. This action also consolidates the new and existing reimbursement rates under Regulation .14 Payment Procedures.	Sent to AELR: 12/13/22	3/24/23	Comment Period Ended 4/24/23. No Comments Received	Final AAP Started Sign-off: 5/5/23	
10.09.33	Health Homes	The purpose of this action is to codify the increase in provider rate by 7.25% for Fiscal Year 2023. This action also updates COMAR references and adds clarifying language regarding the enrollment process.	Sent to AELR: 12/13/23	3/24/23	Comment Period Ended 4/24/23. No Comments Received	Final AAP Started Sign-off: 5/3/23	
10.09.12	Disposable Medical Supplies and Durable Medical Equipment	The purpose of the proposed action is to update the Disposable Medical Supplies and Durable Medical Equipment (DMS/DME) payment procedures to reflect that the Department reimburses for Medicare-covered equipment and supplies at 85 percent of the Medicare rates established on January 1 of each year, in accordance with the approved budget for Fiscal Year 2023. In addition, the proposed action clarifies the methodology as to how the Department reimburses for Medicare-covered items.	Sent to AELR: 12/13/22	3/24/23	Comment Period Ended 4/24/23. No Comments Received		
10.09.09	Medical Laboratories	The proposed action updates the Medical Laboratory Fee Schedule incorporated by reference, adds preauthorization requirements for laboratory services and replaces the outdated term “recipient” with “participant”.	Sent to AELR: 12/13/23	3/24/23	Comment Period Ended 4/24/23. Pending Replies	Final AAP Started Sign-off: 5/4/23	
10.09.27	Home Care for Disabled Children Under a Model Waiver	The purpose of this action is to implement a rate increase for Model Waiver services, pursuant to Senate Bill 290 (Fiscal Year 2023 Budget) and the Governor’s supplemental budget. Additionally, this action clarifies coverage for services provided via telehealth to Medicaid participants by Model Waiver providers, in accordance with Ch.7 (S.B. 3), Acts of 2021, Preserve Telehealth Access Act of 2021.	Sent to AELR: 12/13/23	3/24/23	Comment Period Ended 4/24/23. No Comments Received		

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10.09.23	EPSDT Services	To update the Audiology, Physical Therapy, and Early Periodic, Screening, Diagnosis, and Treatment Provider Manual incorporated by reference effective January 1, 2022; permit certain services to be rendered via telehealth to be reimbursed in compliance with COMAR 10.09.49 Telehealth Services; other minor clean-ups.	Sent to AELR: 12/13/23	3/24/23	Comment Period Ended 4/24/23. No Comments Received	Final AAP Started Sign-off: 5/5/23	
10.09.34	TBS	The purpose of this action is to update reimbursement rates for initial therapeutic assessments and reassessments, and therapeutic behavioral services for dates of service on or after July 1, 2022.	Sent to AELR: 1/24/23	3/24/23	Comment Period Ended 4/24/23. No Comments Received	Final AAP Started Sign-off: 5/4/23	
10.09.29	Residential Treatment Center Services (RTC)	The purpose of the proposed action is to enable providers to bill for an increased maximum rate for residential treatment center (RTC) services for dates of service starting on January 1, 2023. The action also adds language describing the Department's RTC rate rebasing practices.	Sent to AELR: 12/13/22	4/7/23	Comment Period Ended 5/8/23. No Comments Received	Final AAP Started Sign-off: 5/10/23	
10.09.04	Home Health	The proposed changes align regulations with current policy and practice related to services appropriately rendered via telehealth by home health providers. Additionally, this action codifies reimbursement procedures, including a 4 percent increase pursuant to FY 2023 budget. Finally, it codifies federally-required electronic visit verification procedures that will be applicable to home health providers beginning January 1, 2023.	Sent to AELR: 12/13/23	4/7/23	Comment Period Ended 5/8/23. Pending Replies		
10.09.53	EPSDT: Nursing Services for Individuals Younger than 21 Years Old	The purpose of this action is to effectuate Fiscal Year 2023 rate increases for services covered under this chapter.	Sent to AELR: 1/24/23	4/7/23	Comment Period Ended 5/8/23. No Comments Received		
10.09.07	Medical Day Care Services	The purpose of this action is to effectuate Fiscal Year 2023 rate increases for services covered under this chapter.	Sent to AELR: 1/24/23	4/7/23	Comment Period Ended 5/8/23. No Comments Received	Final AAP Started Sign-off: 5/11/23	
10.09.06	Adult Residential Substance Use Disorder Services	The purpose of the proposed action is to update the listed provider reimbursement rate to the 7.25 percent increased rate, effective for Fiscal Year 2023, pursuant to Senate Bill 290 Fiscal Year 2023 Budget (2022) and the Governor's supplemental budget. This proposal also establishes service provisions and limitations related to telehealth in accordance with The Preserve Telehealth Access Act of 2021. Finally, to align with updates in the approved 1115 HealthChoice Waiver renewal, this proposal removes the coverage limitation for services that exceed two 30-day spans of care within a 12-month period.	Sent to AELR: 12/13/22	5/19/23 Ant.	5/19/23 — 6/19/23 Ant.		
10.09.41	Employed Individuals with Disabilities	The purpose of this proposal is to expand the eligible population for the Employed Individuals with Disabilities (EID) Program by establishing less restrictive financial eligibility requirements and setting new premium levels for higher-income recipients.	Sec Approved: 3/31/23				
10.09.62	Separate Children's Health Insurance Program (CHIP) and CHIP Health Services Initiative Eligibility	New chapter to effectuate changes by HB1080. Additional edits to 10.67.01 and 10.67.02.	Sent to AELR: 5/12/23	6/16/23 Ant.	6/16/23 — 7/17/23 Ant.		
10.09.63	Community Violence	The purpose of the proposed action is to provide community violence prevention services and establish requirements for prevention professionals to become trained and certified. This proposed action will be effective July 1, 2023, in accordance with Senate Bill 350 – Maryland Medical Assistance Program – Community Violence Services (Chapter 505 of the 2022 Acts).	Sec Approved: 3/31/23				
10.09.69	Maryland Medicaid Managed Care Program: Rare and Expensive Case Management (REM)	The purpose of the proposed action is to update the REM Diagnosis Table in 10.09.69.17 based on the new ICD-10-CM codes released by CMS. Additionally, the proposed action also reflects a 4 percent rate increase for REM services as a result of the Governor's Budget Bill for FY2023. The proposed action also clarifies the criteria for disenrollment from the REM program, including disenrollment effective dates.	Sec Approved: 3/31/23				

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10.09.08	Freestanding Clinics	In accordance with Senate Bill 3, Preserve Telehealth Access Act of 2021, 2021, Ch. 71, and House Bill 937, Abortion Care Access Act of 2022, 2022, Ch. 58, the purpose of the proposed action is to specify services appropriately rendered via telehealth by freestanding clinics including indirect face-to-face services and allow certain additional qualified providers to provide abortion care services. This proposal also clarifies and updates language throughout the chapter to align regulations with current practice and terminology.	Sent to AELR: 5/12/23	6/16/23 Ant.	6/16/23 — 7/17/23 Ant.		
10.09.36	General Medical Assistance Provider Participation Criteria	The proposed action is necessary to clarify certain provider requirements and conditions for participation in the Maryland Medicaid Program. This includes aligning regulations regarding provider enrollment, certification, audits, and appeals with current Department policy.	Sent to AELR: 5/12/23	6/16/23 Ant.	6/16/23 — 7/17/23 Ant.		
10.09.37	Family Planning Program Eligibility	To eliminate a restrictive requirement that prohibits Medicare eligible or enrolled individuals from participating in the Maryland Medicaid Family Planning Program, in order to align with less restrictive federal law	Gov Approved: 6/4/21				With Governor's Office 6/4/2021