**FINAL AND PROPOSAL**

**Issue Date: June 4, 2021**

**Volume 48 • Issue 12 • Page 470**

**Title 10  
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.02 Physicians’ Services**

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

**Notice of Final Action**

[21-041-F-I]

On May 12, 2021, the Secretary of Health adopted amendments to Regulation **.07** under **COMAR 10.09.02 Physicians’ Services**. This action, which was proposed for adoption in 48:4 Md. R. 182—183 (February 12, 2021), has been adopted as proposed.

**Effective Date: June 14, 2021.**

DENNIS R. SCHRADER  
Secretary of Health

**PROPOSAL**

**Maryland Register**

**Issue Date: February 12, 2021**

**Volume 48 • Issue 4 • Page 182-183**

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**Subtitle 09 MEDICAL CARE PROGRAMS**

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Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

**Notice of Proposed Action**

[21-041-P-I]

The Secretary of Health proposes to amend Regulation **.07** under **COMAR 10.09.02 Physicians’ Services**.

**Statement of Purpose**

The purpose of this action is to update the Maryland Medical Assistance Program Professional Service Provider Manual incorporated by reference in this regulation. Additionally, the  
  
proposed action adds a reference to the Medical Laboratories Fee Schedule.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**The proposed action increases the reimbursement rates for evaluation and management (E&M) procedures below 93 percent of the Medicare rate to 93 percent effective July 1, 2020. The total impact for FY 2021 is $8,010,000.

|  |  |  |
| --- | --- | --- |
|  | Revenue (R+/R-) |  |
| **II. Types of Economic Impact.** | Expenditure  (E+/E-) | Magnitude |
|  |  | |
|  |  |  |
| A. On issuing agency: | (E+) | $8,010,000 |
| B. On other State agencies: | NONE |  |
| C. On local governments: | NONE |  |
|  | | |
|  | Benefit (+) Cost (-) | Magnitude |
|  |  | |
|  |  |  |
| D. On regulated industries or trade groups: | (+) | $8,010,000 |
| E. On other industries or trade groups: | NONE |  |
| F. Direct and indirect effects on public: | NONE |  |
| **III. Assumptions.** (Identified by Impact Letter and Number from Section II.) | | |
| A. This amount assumes:  (1) An estimated $8,010,000 increase in total funds;  (2) The State’s (general funds) share of the increased expenditures is 37.84 percent, or $3,030,984; and  (3) The federal share is 62.16 percent, or $4,979,016. | | |
| D. This amount assumes physicians who render evaluation and management services will reap a collective benefit of $8,010,000 in increased reimbursement rates. | | |

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Maryland Medicaid providers who qualify as small businesses and render evaluation and management services will incur a portion of the collective benefit of increase reimbursement rates.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Annie Olle, Acting 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 March 15, 2021. A public hearing has not been scheduled.

Editor’s Note on Incorporation by Reference

     Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Professional Services Provider Manual and Fee Schedule (Maryland Medical Assistance Program Effective January 1, 2017) has been declared a document generally available to the public and appropriate for incorporation by reference.  For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR).  Copies of this document are filed in special public depositories located throughout the State.  A list of these depositories was published in 48:1 Md. R. 7 (January 4, 2021), and is available online at www.dsd.state.md.us.  The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

**.07 Payment Procedures.**

A.—C. (text unchanged)

D. The Maryland Medical Assistance Program’s procedures for payment are contained in *the following documents, the provisions of which are incorporated by reference:*

*(1)* **[**the**]** *The*Professional Services Provider Manual and Fee Schedule (Effective January **[**2019).**]** *2020); and*

*(2)***[**All the provisions of this document, unless specifically excepted, are incorporated by reference**]***The Medical Laboratories Fee Schedule pursuant to COMAR 10.09.09.07D*.

E. The Department will pay for covered services at the lesser of:

(1) (text unchanged)

(2) The Department’s **[**fee schedule**]***fees in accordance with §D of this regulation*.

F.—O. (text unchanged)

P. Reimbursement.

(1) (text unchanged)

(2) Reimbursement shall be according to all applicable provisions of COMAR 10.10.06 and fees established **[**under COMAR 10.09.02**]** *according to §D of this regulation.*

(3)—(4) (text unchanged)

Q. (text unchanged)

ROBERT R. NEALL  
Secretary of Health