

## **PROPOSAL**

### **Maryland Register**

**Issue Date: September 10, 2021**

**Volume 48 • Issue 19 • Page 804-805**

## **Title 10**

# **MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 09 MEDICAL CARE PROGRAMS**

### **10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Service**

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

#### **Notice of Proposed Action**

[21-123-P-I]

The Secretary of Health proposes to amend Regulations .01-1 and .05 under **COMAR 10.09.23 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services**.

#### **Statement of Purpose**

The purpose of this action is to:

- (1) Update the Audiology, Physical Therapy, and Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) Provider Manual, which is incorporated by reference in this regulation; and
- (2) Clarify limitations to accommodate EPSDT services rendered via audio-only and audio-visual telehealth.

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

#### **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 Jason Caplan, 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 October 12, 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 Audiology, Physical Therapy, and Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) Provider Manual (Maryland Medical Assistance Program, Effective January 1, 2020) 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](http://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.

#### **.01-1 Incorporation by Reference.**

The Audiology, Physical Therapy, and Early Periodic, Screening, Diagnosis, and Treatment (EPSDT) Provider Manual (Maryland Medical Assistance Program, Effective [January 1, 2019] *January 1, 2020*) is incorporated by reference.

#### **.05 Limitations.**

A.—D. (text unchanged)

E. The provider covered by this chapter may not bill the Program for:

(1) Services that are:

(a)—(f) (text unchanged)

(g) Rendered [by mail, telephone, or otherwise not one-to-one, in person] *not in person, unless the services are provided in compliance with COMAR 10.09.49 and any subregulatory guidance issued by the Department;*  
(2)—(6) (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health