**PROPOSAL**

**Maryland Register**

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**Title 10
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**Notice of Proposed Action**

[19-104-P]

The Secretary of Health proposes to amend:

(1) Regulation **.01** under **COMAR 10.09.62****Maryland Medicaid Managed Care Program: Definitions**; and

(2) Regulation **.24** under **COMAR 10.09.67 Maryland Medicaid Managed Care Program****: Benefits**.

**Statement of Purpose**

The purpose of this action is to implement the National Diabetes Prevention Program (National DPP), an evidence-based diabetes prevention program established by the Centers for Disease Control and Prevention (CDC), beginning July 2019. Additionally, this proposal corrects an error in the definition of “long-term care facility” by explicitly including special pediatric hospitals.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**Based on preliminary analysis, the total estimated cost of the program over the waiver period (through December 2021) is approximately $15.2 million total funds (61 percent federal funds, 39 percent general funds). Given a start date of July 1, 2019, the estimate cost for FY 20 is approximately $6 million total funds (61 percent federal funds, 39 percent general funds).

|  |  |  |
| --- | --- | --- |
|   | Revenue (R+/R-) |   |
| **II. Types of Economic Impact.** | Expenditure(E+/E-) | Magnitude |
|   |  |
|  |  |  |
| A. On issuing agency: | (E+) | $5,947,930 |
| B. On other State agencies: | NONE |  |
| C. On local governments: | NONE |  |
|   |
|   | Benefit (+)Cost (-) | Magnitude |
|   |  |
|  |  |  |
| D. On regulated industries or trade groups: | (+) | $5,947,930 |
| 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 the Centers for Medicare and Medicaid Services (CMS) will approve the waiver the Department applied for to implement the National DPP program. Subject to the approval of CMS, the program will go into effect July 1, 2019 and continue through the waiver period until December 2021. The program will serve individuals between the ages of 18 and 64 who are enrolled in HealthChoice MCOs and meet program eligibility criteria indicating presence of prediabetes or at risk for type 2 diabetes. The average cost per person is $500 per year. The Department estimates 11,896 adults will be eligible for the initial program year and anticipates 3 percent population inflation each year. |
| D. This estimate assumes 100 percent of the total cost will be used to cover service costs paid to National DPP providers. |

**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 Jake Whitaker, 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 July 8, 2019. A public hearing has not been scheduled.

**10.09.62 Maryland Medicaid Managed Care Program: Definitions**

Authority: Health-General Article, §*§*15-101 *and 15-103(b)*, Annotated Code of Maryland

**.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(98) (text unchanged)

(99) “Long-term care facility” means a chronic hospital, a chronic rehabilitation hospital, **[**or**]** a nursing facility*, or a special pediatric hospital*.

(100)—(120) (text unchanged)

*(120-1) “National Diabetes Prevention Program” means an evidence-based diabetes prevention program established by the Centers for Disease Control and Prevention.*

(121)—(182) (text unchanged)

**10.09.67 Maryland Medicaid Managed Care Program: Benefits**

Authority: Health-General Article, Title 15, Subtitle 1, Annotated Code of Maryland

**.24 Benefits — Diabetes *Prevention and*Care Services.**

A. An MCO shall provide to its qualifying enrollees medically necessary diabetes *prevention and*care services as specified in this regulation.

*B. National Diabetes Prevention Program.*

*(1) In addition to the services included in its usual benefits package, an MCO shall make available to its enrollees who meet the Centers for Disease Control and Prevention (CDC) eligibility criteria defined in §B(2) of this regulation the National Diabetes Prevention Program through a CDC-recognized lifestyle change organization.*

*(2) To be eligible for participation in the National Diabetes Prevention Program, a HealthChoice enrollee:*

*(a) Shall be 18 through 64 years old;*

*(b) Shall be overweight or obese;*

*(c) Shall have an elevated blood glucose level or a history of gestational diabetes mellitus;*

*(d) May not have a previous diagnosis of type 1 or type 2 diabetes prior to enrollment; and*

*(e) May not be currently pregnant.*

**[**B.**]** *C.* (text unchanged)

ROBERT R. NEALL
Secretary of Health