**PROPOSAL**

**Maryland Register**

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**Title 10
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.79 Presumptive Eligibility for Correctional Facilities**

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

**Notice of Proposed Action**

[19-211-P]

The Secretary of Health proposes to amend Regulations **.02** and **.03** under **COMAR 10.09.79 Presumptive Eligibility for Correctional Facilities**.

**Statement of Purpose**

The purpose of this action is to clarify requirements for eligibility workers completing presumptive eligibility applications for individuals in correctional facilities.

**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 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 November 25, 2019. A public hearing has not been scheduled.

**.02 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(12) (text unchanged)

(13) “Presumptive eligibility” means temporary eligibility for Medical Assistance as determined by **[**a presumptive**]** *an* eligibility worker at a participating qualified correctional facility in accordance with this chapter.

**[**(14) “Presumptive eligibility worker” means an individual who is trained to make presumptive eligibility determinations and includes an employee of a:

(a) Local health department who is physically present at a participating correctional facility at the time of the presumptive eligibility determination; or

(b) Correctional facility.**]**

**.03 Requirements.**

A. (text unchanged)

**[**B. To participate as a presumptive eligibility entity, the correctional facility shall enter a memorandum of understanding with the Department.

C. The memorandum of understanding required under §B of this regulation shall require correctional facilities to:

(1) Comply with Departmental policies and procedures supplied by the Department at the time of application and training;

(2) Meet accuracy and timeliness standards established by the Department;

(3) Submit a list to the Department of presumptive eligibility workers who will attend presumptive eligibility training developed by the Department; and

(4) Report the requested information on a form designated by the Department.**]**

**[**D.**]** *B.* **[**Before assisting an applicant in filing a presumptive eligibility application, the presumptive**]** *The*eligibility worker shall:

(1)—(2) (text unchanged)

**[**E.**]** *C.***[**If**]** *Unless* the **[**individual’s full**]** *individual is enrolled in the Maryland* Medical Assistance **[**application is not approved**]** *Program*, the **[**presumptive**]** eligibility worker shall:

(1)—(4) (text unchanged)

**[**F.**]** *D.* In order to ensure the applicant has temporary Medical Assistance coverage, the **[**presumptive**]** eligibility worker shall submit the presumptive eligibility application to the Department on the date the application is completed.

**[**G.**]** *E.* (text unchanged)

**[**H.**]** *F.* On finding that a qualified correctional facility has failed to meet the requirements of **[**§§A—G**]** *§§A—E*of this regulation, the facility shall take reasonable corrective action measures, as determined by the Department, to address the noncompliance.

ROBERT R. NEALL
Secretary of Health