**PROPOSAL**

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**Title 10
MARYLAND DEPARTMENT OF HEALTH**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.80 Community-Based Substance Use Disorder Services**

Authority: Health-General Article, §§2-104(b), 7.5-204, 7.5-205(d), 7.5-402, 8-204(c)(1), 15-103(a)(1), and 15-105(b), Annotated Code of Maryland

**Notice of Proposed Action**

[19-175-P]

     The Secretary of Health proposes to amend Regulation **.08** under **COMAR 10.09.80 Community-Based Substance Use Disorder Services**.

**Statement of Purpose**

The purpose of this action is to implement a 3.5 percent rate increase for community-based substance use disorder services providers beginning July 1, 2019, as provided for in the Fiscal Year 2020 budget.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**The Fiscal Year (FY) 2020 budget includes a 3.5 percent rate increase for community-based substance use disorder services. The total impact for FY 2020 is $9,655,159.

|  |  |  |
| --- | --- | --- |
|   | Revenue (R+/R-) |   |
| **II. Types of Economic Impact.** | Expenditure(E+/E-) | Magnitude |
|   |  |
|  |  |  |
| A. On issuing agency: | (E+) | $9,655,159 |
| B. On other State agencies: | NONE |  |
| C. On local governments: | NONE |  |
|   |
|   | Benefit (+)Cost (-) | Magnitude |
|   |  |
|  |  |  |
| D. On regulated industries or trade groups: | (+) | $9,655,159 |
| 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. and D. This amount assumes:(1) Estimated impacts are based on FY 2018 utilization. Outpatient substance use disorder services utilization will remain consistent.(2) In FY 2020, the total impact of the rate increase on Medicaid expenditures for community-based substance use disorder services will be equal to the difference between projected FY 2020 expenditures ($285,516,866) and FY 2019 expenditures (275,861,706).(3) Total estimated reimbursement for claims in FY 2020 is calculated using estimated FY 2019 expenditures for community-based substance use disorder services, plus a 3.5 percent rate increase.(4) Total estimated reimbursement for claims in FY 2019 is calculated using FY 2018 expenditures for community-based substance use disorder services in FY 2018 ($266,533,050), plus a 3.5 percent rate increase.(5) This amount is subject to 61.49 percent blended federal match ($5,936,958 federal funds, $3,718,202 general funds). |

**Economic Impact on Small Businesses**

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

Small businesses enrolled as Maryland Medicaid community-based substance use disorder providers will benefit from increased reimbursement.

**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 October 15, 2019. A public hearing has not been scheduled.

**.08 Payment Procedures.**

A.—C. (text unchanged)

D. Effective July 1, **[**2017**]***2019*, rates for the services outlined in this regulation shall be as follows:

(1) For services outlined in this regulation, as delivered through an OHCQ certified or licensed substance use disorder treatment provider:

(a) Comprehensive substance use disorder assessment — **[**$147.74**]***$158.26*;

(b) Level 1 group substance use disorder counseling — **[**$40.58**]** $*43.47*per session;

(c) Level 1 individual substance use disorder counseling — **[**$20.81**]** *$22.29*per 15-minute increment with a maximum of six 15-minute increments per day;

(d) Level 2.1 Intensive Outpatient treatment — **[**$130.05**]** *$139.31*per diem;

(e) Level 2.5 Partial Hospitalization half day session — **[**$135.25**]** *$144.88*per diem;

(f) Level 2.5 Partial Hospitalization full day session — **[**$218.48**]** *$234.04*per diem;

(g) Ambulatory Withdrawal Management — **[**$72.83**]** *$78.02*per diem;

(h)—(i) (text unchanged)

(2) For services outlined in this regulation as delivered through an opioid treatment programs:

(a) Comprehensive substance use disorder assessment — **[**$147.74**]***$158.26*;

(b) Level 1 group substance use disorder counseling — **[**$39.78**]** *$43.47* per session;

(c) Level 1 individual substance use disorder counseling — **[**$20.81**]** *$22.29*per 15-minute increment with a maximum of six 15-minute increments per day;

(d) Opioid Maintenance Therapy — **[**$64.26**]** *$68.84* per participant per week;

(e) Medication Assisted Treatment Induction — **[**$208.08**]** *$222.90*per participant per week;

(f) Buprenorphine Maintenance Therapy — **[**$57.12**]** *$61.19*per participant per week; and

(g) (text unchanged)

E.—G. (text unchanged)

ROBERT R. NEALL
Secretary of Health