

## **PROPOSAL**

### **Maryland Register**

**Issue Date: August 13, 2021**

**Volume 48 • Issue 17 • Page 672-673**

## **Title 10**

# **MARYLAND DEPARTMENT OF HEALTH**

## **Subtitle 09 MEDICAL CARE PROGRAMS**

### **10.09.50 EPSDT School Health-Related Services or Health-Related Early Intervention Services**

Authority: Health-General Article, §§2-104(b), 15-103, and 15-124, Annotated Code of Maryland

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

[21-099-P]

The Secretary of Health proposes to amend Regulation .07 under **COMAR 10.09.50 EPSDT School Health-Related Services or Health-Related Early Intervention Services**.

#### **Statement of Purpose**

The purpose of this action is to permit coverage of telehealth services rendered via audio-only and audio-visual technology by removing a categorical exclusion on services not rendered in person.

#### **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 an impact on individuals with disabilities as follows:

The proposed action impacts children receiving school-based services pursuant to an IEP or an IFSP because it enables them to access certain services remotely, making their care less dependent on the in-person school setting.

#### **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 September 13, 2021. A public hearing has not been scheduled.

#### **.07 Payment Procedures.**

A. (text unchanged)

B. Providers may not bill the Program for:

(1) Services *not* rendered [by mail or telephone or in which the participant is not present;] *in person, unless the services are provided in compliance with COMAR 10.09.49 and any guidance issued by the Department:*

(2)—(4) (text unchanged)

C.—E. (text unchanged)

DENNIS R. SCHRADER  
Secretary of Health