

**Maryland Department of Health, Behavioral Health Administration
Stakeholder Engagement Session 2 – 10.63.01, Chapter 1
Meeting Minutes**

**August 1, 2025
10:00 AM – 11:30AM**

I. Welcome and Opening Remarks (11:00-11:05)

II. Meeting Procedures (11:05-11:10)

III. Status of COMAR 10.63 Regulatory Revisions (11:10-11:15)

- a. Jordan provided an overview of Phases I, II, and III of the 10.63 updates, including that the Department will not finalize Phase 2 regulations until Phase 3 is published in the Maryland Register.
- b. The Department received more than 110 formal comments on the 10.63 proposal published in May. All formal comments must receive responses in writing prior to finalization; responses have not yet been sent.

IV. Brief Review of Changes to 10.63.01, Chapter 1 and Stakeholder Feedback (11:15-11:25)

a. Revision of telehealth requirements consistent with the *Preserve Telehealth Access Act of 2025*

- i. The sunset date for audio-only telehealth services was removed from COMAR 10.63.01.09 Telehealth Service Requirements to align with the *Preserve Telehealth Access Act of 2025*.
- ii. Clarifying language was added to the above regulation to specify that if a session is permissible in person under these regulations—held with or without the program participant—it is also permissible via telehealth.
- iii. Takeaways from stakeholder dialogue included:
 - 1. Questions arose surrounding the usage of the phrase “licensed mental health professional” under Regulation .09G Limitations and whether this aligns with the requirements of the statute. The Department plans to take another look at this language to ensure its accuracy.
 - 2. Regarding in person vs. telehealth services: Though the position of the Department based on statute is that all services that are permissible in person under these regulations are also permissible

via telehealth, providers may need to comply with additional requirements based on their payor source.

V. Stakeholder Feedback on 10.63.01 (11:25-12:10)

a. Requirements related to site-specific licensure for residential rehabilitation programs

- i. The Department is not making changes to the current licensing model for Residential Rehabilitation Programs (RRPs). They are licensed through a hub and spoke model, where additional sites are linked to a “hub” that holds the license.

b. Corporate compliance – clarification of “illegal service”

- i. The intent of the Department is to indicate that if someone is providing a service without the appropriate license or is incentivizing someone to come into care/remain in care at their organization, this is an “illegal service.” These are practices that should be monitored by the organization’s Corporate Compliance Officer.

c. Clarification and more detail about the Department’s intent with outcome reporting and providers’ need for specificity, notice, and opportunity to comment

- i. The outcome reporting requirements in these regulations are meant to replace the Department’s discontinued outcome measurement system. The Department is required to report certain outcome measures to federal partners, and provider participation in this reporting process is required. Providers will receive notice when more details of this process are outlined.
- ii. Takeaways from stakeholder dialogue included:
 1. Concerns regarding the specificity of these regulations as it pertains to the expectations and potential burden being placed on providers. The Department will reexamine this language with subject matter experts.

d. Clarification of the Department’s intent on program discontinuation provisions and discussion about alternative approaches

- i. COMAR 10.63.01.13 discusses discontinuation of program operations, both planned and unplanned. The intent of the Department is to be as flexible as possible with regards to unplanned closures and to work to support programs who experience unplanned closures. Regulation .13 is

meant to provide guidance to providers experiencing these closures on how to work with the Department.

- ii. Takeaways from stakeholder dialogue included:
 - 1. Concerns regarding the provision in the regulations that requires programs to notify the Department of the closure prior to the intended date of discontinuation. This provision is in the current COMAR 10.63 regulations and is not being introduced in this proposal.
 - 2. The intent of these regulations is not to be punitive or punish providers for circumstances outside of their control. A compliance guide will be issued with the regulations that will further discuss the intent of the Department.

VI. Stakeholder Feedback on 10.63.01 Items from 7/30/2025 Meeting (12:10-12:25)

a. Critical incident reporting

- i. The critical incident reporting process described in the regulations is meant to allow the Department to make informed decisions and to adequately support providers. Further discussion will take place on this topic at a later stakeholder meeting.

b. Clarification of the Department's intent with the elimination of existing regulatory protections against zoning and permitting discrimination

- i. These protections are already in statute and the statute is now referenced in the regulations to avoid redundancy.

VII. Closing Remarks and Next Steps (12:25-12:30)