



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

To: Home and Community-Based Medicaid Providers
From: Marlana R. Hutchinson, Acting Director
Office of Long Term Services and Supports
Date: March 27, 2020
Subject: Clarification on Essential and Non-Essential Businesses

Dear Medicaid Providers:

The Maryland Medicaid Program is writing in reference to the Order of the Governor of the State of Maryland dated March 23, 2020, Number 20-03-23-01. This Executive Order closed non-essential businesses to the general public starting after 5 pm on March 23, 2020. The Executive Order was accompanied by interpretative guidance issued by the Office of the Governor.

There has been confusion on what the terms of the Executive Order means for certain Medicaid providers. All Medicaid providers or contractors **are** considered essential and **may** remain open, except for the exception noted below. This determination of which providers or contractors are considered essential includes those providing services under the following Medicaid programs:

- Community First Choice
- Community Pathways Waiver
- Community Personal Assistance Services
- Community Supports Waiver
- Family Supports Waiver
- Home and Community Based Options Waiver
- Increased Community Services
- Model Waiver for Fragile Children (Model Waiver)
- Waiver for Adults with Brain Injury (Brain Injury)
- Waiver for Children with Autism Spectrum Disorder (Autism Waiver)

The interpretive guidance to the Executive Order contains an illustrative list of providers who are considered essential. For the avoidance of doubt, that interpretive guidance stated explicitly, “The list in #2 above is non-exhaustive. The fact that a particular business, organization, or facility is not included in the list does not mean it is excluded from the federal critical infrastructure sectors.”

Notwithstanding anything stated herein to the contrary, Adult Medical Day Centers (AMDCs) are *not* considered essential, and AMDCs were closed by the Executive Order titled, “Health Care Matters” dated March 16, 2020. The Maryland Medicaid program provided a transmittal for AMDCs to provide telephonic services. This guidance can be found here:

<https://mmcp.health.maryland.gov/SiteAssets/pages/home/03.16.2020%20COVID19%20%20Adult%20Medical%20Day%20Care%20Final.pdf>

Additional guidance is forthcoming on activities that should be done remotely or telephonically.

Thank you to all of you and your staff for providing these essential services.

For Medicaid related coronavirus updates, visit mmcp.health.maryland.gov

For questions about the Coronavirus, visit coronavirus.maryland.gov.

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