



STATE OF MARYLAND

DHMH

PT06-02

Maryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201

Parris N. Glendening, Governor - Georges C. Benjamin, M.D., Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM

Medical Supply and Equipment Transmittal No. 52

November 1, 2001

TO: Disposable Medical Supplies/Durable Medical Equipment Providers

FROM: Susan J. Tucker, Executive Director *Susan J. Tucker*
Office of Health Services

SUBJECT: Proposed Amendments to Disposable Medical Supplies/Durable Medical Equipment Services

NOTE: Please ensure that appropriate staff members in your organization are informed of the contents of this transmittal.

ACTION:
Proposed Regulations

EFFECTIVE DATE:

WRITTEN COMMENTS:
Michele Phinney, 201 West Preston Street
Baltimore, Maryland 21201
Fax 410-333-7667
Call 410-767-6499

PROGRAM CONTACT PERSON
Jane Sacco, Acting Chief
Division of Community Support
Services
410-767-1739

COMMENT PERIOD EXPIRES: November 19, 2001

The Maryland Medical Assistance Program proposes to amend Regulation .06 under COMAR 10.09.12 Disposable Medical Supplies/Durable Medical Equipment.

These proposed amendments will eliminate preauthorization requirements for disposable incontinence pants for recipients aged three years and older when they do not exceed 240 in any thirty day period, and disposable incontinence under pads for recipients aged three years and older when they do not exceed 135 in any thirty day period.

Note: All other regulatory requirements found in COMAR 10.09.12 remain in force.

The proposed amendments, as printed in the Maryland Register are attached.

Attachment

Toll Free 1-877-4MD-DHMH • TTY for Disabled - Maryland Relay Service 1-800-735-2258

Web Site: www.dhmh.state.md.us

For information concerning Proposed Action on Regulations, see inside front cover.

Symbol Key

Roman type indicates existing text of regulation. *Italic type* indicates proposed new text. [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, an estimate of economic impact, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within one year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Register.

Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.12 Disposable Medical Supplies and Durable Medical Equipment

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-129, Annotated Code of Maryland

Notice of Proposed Action

[01-352-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .06 under COMAR 10.09.12 Disposable Medical Supplies and Durable Medical Equipment.

Statement of Purpose

The purpose of this action is to streamline the preauthorization process for medical supplies and equipment by allowing diapers and underpads to be billed directly for certain age groups.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed regulation.

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.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Regulations Coordinator, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 521, Baltimore, Maryland 21201, or fax to (410) 333-7687, or email to regs@dhhm.state.md.us, or call (410) 767-6499 or 1-877-4MD-DHMH, extension 6499. These comments must be received by November 19, 2001.

.06 Preauthorization Requirements.

A. Preauthorization is required for:

(1) Disposable medical supplies listed in Regulation .04A and B with a charge exceeding \$300, except as specified in §§A(2) and (3) and B(1) of this regulation *and durable medical equipment on the approved list of items as individual consideration (I/C)*;

(2) All incontinency pants for recipients 3 years old or older in excess of 240 in any 30-day period, and disposable underpads for recipients 3 years old or older in excess of 135 in any 30-day period;

(3) Osteogenesis stimulators and the preauthorization shall be submitted in writing to include the following:

(a) — (b) (text unchanged)

(c) Appropriate original [X-rays] *x-rays or x-ray report*;

[(4) Durable medical equipment priced on the approved list of items as individual consideration (I/C);]

(4) *All disposable incontinency pants and all disposable underpads for recipients younger than 3 years old*;

(5) — (7) (text unchanged)

B. — C. (text unchanged)

[D. Preauthorization, when required, may be requested verbally for the following covered supplies:

(1) Ostomy supplies;

(2) Permanent urinary incontinence supplies;

(3) Spinal cord dysfunction supplies;

(4) Blood and urine glucose and urine ketone monitoring supplies;

(5) Enteral and parenteral feeding supplies;

(6) Administration sets for intravenous medication.)

[E.] D. Preauthorization, when required, may be requested via a facsimile machine [only] to expedite hospital, nursing facility, or other medical institutional discharge or in emergency situations approved by the Program. In this case, the facsimile of the completed preauthorization form shall be followed by a written request for preauthorization using the original of the form, which shall be submitted immediately to the Department. *Providers shall call the Program before making a request via facsimile.*

[F.] E. — [R.] Q. (text unchanged)

GEORGES C. BENJAMIN, M.D.
Secretary of Health and Mental Hygiene