

# SENATE BILL 899

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6lr2658  
CF HB 1217

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By: **Senators Klausmeier, Feldman, Guzzone, Madaleno, ~~and Manno~~ Manno, Astle, Benson, Hershey, Jennings, Kelley, Mathias, Middleton, Pugh, and Reilly**

Introduced and read first time: February 5, 2016

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Specialty Mental Health and Substance**  
3 **Use Disorder Services – Parity**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt  
5 regulations necessary to ensure that the Maryland Medical Assistance Program is  
6 in compliance with certain federal laws; providing that the Department is not  
7 required to adopt certain regulations for certain changes; requiring the regulations  
8 to include standards regarding treatment limitations for specialty mental health and  
9 substance use disorder services that comply with the federal laws and relate to  
10 certain items; providing that the treatment limitations comply with the federal laws  
11 if certain factors used in applying a treatment limitation meet certain requirements  
12 for medical and surgical services; and generally relating to the Maryland Medical  
13 Assistance Program and compliance with federal laws relating to specialty mental  
14 health and substance use disorder services.

15 BY adding to  
16 Article – Health – General  
17 Section 15–103.6  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
21 That the Laws of Maryland read as follows:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



## Article – Health – General

## 15-103.6.

(A) ~~(1) ON~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JUNE 30, 2017, THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO ENSURE THAT THE PROGRAM IS IN COMPLIANCE WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT.

(2) THE DEPARTMENT IS NOT REQUIRED TO ADOPT REGULATIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ANY CHANGE THAT MAY BE MADE THROUGH A PROCESS OTHER THAN THE REGULATORY PROCESS.

(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE STANDARDS REGARDING TREATMENT LIMITATIONS FOR SPECIALTY MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES THAT COMPLY WITH THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, AND RELATE TO:

(1) THE SCOPE OF BENEFITS FOR:

(i) TELEHEALTH SERVICES; AND

(ii) RESIDENTIAL TREATMENT PROGRAMS THAT ARE NOT INSTITUTIONS FOR MENTAL DISEASE;

(2) SERVICE NOTIFICATION AND AUTHORIZATION REQUIREMENTS;

(3) LICENSED SPECIALTY MENTAL HEALTH OR SUBSTANCE USE DISORDER PROGRAM BILLING FOR:

(i) SERVICES PROVIDED BY PHYSICIANS, ADVANCED PRACTICE NURSES, AND PHYSICIAN ASSISTANTS;

(ii) SERVICES PROVIDED BY A LICENSED SPECIALTY MENTAL HEALTH OR SUBSTANCE USE DISORDER PROGRAM AT A LOCATION THAT IS NOT THE PRIMARY LOCATION AT WHICH THE PROGRAM IS LICENSED; AND

(iii) SEPARATE LEVELS OF SERVICE PROVIDED WITHIN A SINGLE DAY OR WEEK; AND

1           **(4) REIMBURSEMENT RATES.**

2           **(C) THE TREATMENT LIMITATIONS FOR SPECIALTY MENTAL HEALTH AND**  
3 **SUBSTANCE USE DISORDER SERVICES COMPLY WITH THE FEDERAL MENTAL**  
4 **HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT**  
5 **PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH**  
6 **CARE AND EDUCATION RECONCILIATION ACT OF 2010, IF THE OPERABLE**  
7 **PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN**  
8 **APPLYING A TREATMENT LIMITATION TO SPECIALTY MENTAL HEALTH OR**  
9 **SUBSTANCE USE DISORDER SERVICES, AS WRITTEN AND APPLIED, ARE**  
10 **COMPARABLE TO AND NO MORE RESTRICTIVE THAN, AND ARE APPLIED NO MORE**  
11 **STRINGENTLY THAN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR**  
12 **OTHER FACTORS USED IN APPLYING THE TREATMENT LIMITATION TO MEDICAL AND**  
13 **SURGICAL SERVICES.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2016.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.