



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

February 7, 2023

The Honorable Melony Griffith
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, MD 21401-1991

**RE: SB 201 – Maryland Medical Assistance and Children’s Health Insurance Programs
School Based Behavioral Health Services Reimbursement – Letter of Information**

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information on Senate Bill (SB) 201. This bill will require MDH to amend its State Plan with the Centers for Medicare and Medicaid Services (CMS) by December 1, 2023 to reimburse for behavioral health services delivered in a school setting by certain school-based providers to the extent permitted by federal and state law. This coverage will extend beyond the services required under a student’s individualized education program or individualized family service plan. SB 201 will also require MDH to seek authorization for administrative claiming of Medicaid and Children’s Health Insurance Program services delivered in schools.

A 2018 report published by the U.S. Department of Health and Human Services outlined the audit risks associated with administrative service claiming.¹ In August 2022, CMS indicated that guidance on administrative claiming is forthcoming.² Until this guidance is released, it is not feasible for MDH to accurately assess the feasibility, cost, potential savings, or timeline to implement an administrative claiming program.

Additionally, federal guidance mandates that school-based providers and professionals must have the same credentials as those held by a community provider, in addition to meeting other record keeping requirements, to be eligible for reimbursement through Medicaid. Given this requirement, certain provider types included in the bill language would not be eligible for reimbursement, such as school psychologists who are currently not required to meet the state’s licensing, certification, or other applicable qualifying criteria.

If you have any questions, please contact Megan Peters, Acting Director of Governmental Affairs, at megan.peters@maryland.gov or (410) 260-3190.

¹ <https://oig.hhs.gov/oas/reports/region7/71804107.pdf>; for additional information see, [https://dlslibrary.state.md.us/publications/JCR/2020/2020_170\(b\).pdf](https://dlslibrary.state.md.us/publications/JCR/2020/2020_170(b).pdf)

² <https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf>

Sincerely,

A handwritten signature in blue ink, appearing to read 'LH Scott', is positioned above the typed name.

Laura Herrera Scott, M.D., M.P.H.
Acting Secretary