

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 14-013)**

Overview and Legal and Fiscal Impact

The regulation complies with federal policy by including audiometric tests for the sole purpose of prescribing hearing aids as a covered service under the Medical Assistance Program (program).

The regulation presents no legal issue of concern.

Medicaid expenditures (50% general funds, 50% federal funds) increase by an indeterminate amount beginning in fiscal 2014 due to providing reimbursement for audiometric tests for the sole purpose of prescribing hearing aids.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Medical Care Programs: Physicians' Services: COMAR 10.09.02.05

Legal Analysis

Summary of Regulation

Under current regulation, audiometric tests for the sole purpose of prescribing hearing aids are not a covered service under the program. The regulation complies with federal policy by including audiometric tests for the sole purpose of prescribing hearing aids as a covered service under the program.

Legal Issue

The regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 2-104(b), 15-103, and 15-105 of the Health – General Article as legal authority for the regulation. Section 2-104(b) authorizes the Secretary of Health and Mental Hygiene to adopt regulations to carry out the provisions of law that are within the jurisdiction of the Secretary. Section 15-103 requires the Secretary to administer the program. Section 15-105 requires the Secretary to adopt regulations for

reimbursement of providers under the program. This authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

Medicaid expenditures (50% general funds, 50% federal funds) increase by an indeterminate amount beginning in fiscal 2014 due to providing reimbursement for audiometric tests for the sole purpose of prescribing hearing aids.

Agency Estimate of Projected Fiscal Impact

The proposed regulation removes the limitation on Medicaid payment to physicians for audiometric tests for the sole purpose of prescribing hearing aids. The Department of Health and Mental Hygiene advises that federal policy now requires Medicaid reimbursement of physicians for audiometric tests; thus, Medicaid expenditures (50% general funds, 50% federal funds) increase by an indeterminate amount beginning in fiscal 2014. The Department of Legislative Services concurs.

Impact on Budget

Medicaid expenditures (50% general funds, 50% federal funds) increase by an indeterminate amount beginning in fiscal 2014 due to providing reimbursement for audiometric tests for the sole purpose of prescribing hearing aids. There is no impact on the capital budget.

Agency Estimate of Projected Small Business Impact

The Department of Health and Mental Hygiene advises that the proposed regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

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