

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 14-144)**

Overview and Legal and Fiscal Impact

The proposed regulation establishes the reimbursement provisions for mental health targeted case management services for children and youth.

The proposed regulation presents no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Mental Hygiene Regulations: Fee Schedule: Mental Health Services: Community-Based Programs and Individual Practitioners: COMAR 10.21.25.09

Legal Analysis

Summary of Regulation

COMAR 10.21.25.01 states that Chapter 25 establishes the fees that the Department of Health and Mental Hygiene reimburses for mental health services that are rendered by a provider to an individual who receives Medicaid-reimbursable or State-supported services. Regulation .09 provides the fee schedules for support services. Section .09I establishes the rates for mental health case management. The proposed changes make the existing .09I apply to adult mental health case management, and add a new Section .09J which provides reimbursement rates for mental health case management services to a child or adolescent with a serious emotional disorder. The proposed language also provides for minimum amounts of face-to-face contact service units and provides caps for the number of service units allowed per month. The minimum and maximum amounts are determined by whether the individual is in general coordination, moderate care coordination, or intensive care coordination.

Legal Issue

The proposed regulation presents no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites §§ 10-901, 15-103, and 15-105, and Title 16, Subtitles 1 and 2 of the Health – General Article as legal authority for the regulation. Section 10-901 requires the Secretary of Health and Mental Hygiene to adopt rules and regulations that set standards for the eligibility for State funding of mental health programs and for the eligibility to receive services under a program. Section 15-103 establishes the Maryland Medical Assistance Program, and requires the Secretary to administer the program, including adopting regulations. Section 15-105(b) requires the department to adopt rules and regulations for the reimbursement of providers for services under the Medicaid program. Title 16, Subtitles 1 and 2 contain provisions pertaining to the funding and reimbursement of various community health programs, and contain provisions regarding an individual’s eligibility to participate and the financial responsibility of program participants.

The statutory authority is correct and complete. The regulation complies with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulation establishes separate rates for reimbursement for mental health case management for children and youth with serious emotional disorders. The existing rates (COMAR 10.21.25.09I) are now limited to adults. The department indicates that the proposed amendments have no economic impact. The Department of Legislative Services concurs and notes that cost and enrollment levels are anticipated to remain largely unchanged. Thus, no fiscal impact is anticipated.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The department also notes that those businesses affected by these changes are largely not small businesses. The Department of Legislative Services concurs.

Contact Information

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