

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 14-145)**

Overview and Legal and Fiscal Impact

The regulations limit the existing Targeted Case Management (TCM) programs to adults because equivalent services for children and youth will be provided under a new chapter of COMAR 10.09.90.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Department of Health and Mental Hygiene:

Medical Care Programs: Mental Health Case Management:
COMAR 10.09.45.01-.04, .06 and .07

Legal Analysis

Background

The Department of Health and Mental Hygiene has proposed new COMAR 10.09.90.01-.14, which implement a separate targeted case management program for children and youth with serious emotional disturbances. Under current COMAR 10.09.45, this population is served under a program which serves all age groups. The separate targeted case management program will allow the State to implement special provisions related to children and youth with serious emotional disturbances. The purpose of mental health case management is to assist participants in gaining access to needed medical, mental health, social, educational, and other services.

Summary of Regulations

The regulations limit the existing TCM programs under COMAR 10.09.45 to adults because equivalent service for children and youth will be provided under a new chapter of COMAR 10.09.90. The regulations define an “adult” to mean “an individual 18 years and older”; delete references to a “minor”, the “minor’s parent or guardian”, and a “child or adolescent”; and repeal provisions relating to individuals younger than 18 years old.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites § 2-104(b) of the Health – General Article as authority for the regulations. 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.

This authority is correct and complete. The regulations comply 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 regulations take out references to services for children and youth in the existing TCM program because equivalent services for this population will be provided under a new chapter (*see DLS Control No. 14-143*). As there are no changes to the services provided for adults or for the reimbursement methodology for those services, the department advises that there is no fiscal impact. The Department of Legislative Services concurs.

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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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