

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 14-282)**

Overview and Legal and Fiscal Impact

The proposed regulation amends the regulatory language to be consistent with provisions of law that require that Medicaid services be provided without regard to religion, sexual orientation, or physical or mental disability.

The proposed change to the regulation presents no potential legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulation of COMAR Affected

Department of Health and Mental Hygiene:

Medical Care Programs: General Medical Assistance Provider Participation Criteria:
COMAR 10.09.36.03

Legal Analysis

Summary of Regulation

COMAR 10.09.36.03A (8) is amended to add provisions stating that Medicaid services shall be provided without regard to religion or sexual orientation. Various provisions of law extend non-discrimination protections based on religion and sexual orientation. The subsection is also amended to clarify that Medicaid services shall be provided without regard to physical or mental disability. The current language refers to physical or mental *handicap*.

Legal Issue

The proposed change to the regulation presents no potential legal issues 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) gives the Secretary of Health and Mental Hygiene authority to adopt rules and regulations to carry out the provisions of law with the jurisdiction of the Secretary. 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.

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The regulation updates outdated language. The department advises that the regulation has no impact on State or local governments. 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 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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