

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulation
Department of Health and Mental Hygiene
(DLS Control No. 14-295)**

Overview and Legal and Fiscal Impact

The regulation clarifies which Early and Periodic Screening, Diagnosis, and Treatment (EPSTD) services provided under the Maryland Medical Assistance Program require preauthorization by adding intermediate care facilities to the list of services that require preauthorization.

The 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:

Medical Care Programs: Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Services: COMAR 10.09.23.06

Legal Analysis

Background

Under COMAR 10.09.23.02, a provider of EPSTD screening and treatment services is required to meet all of the licensure and certification requirements specified under State law and regulation for the service that the provider renders. Early and Periodic Screening, Diagnosis, and Treatment means comprehensive and preventive health care in accordance with federal law and other diagnostic and treatment services that are necessary to correct or ameliorate defects and physical and mental illnesses in children younger than 21 years old.

Summary of Regulation

Under COMAR 10.09.23.01(20) “preauthorization” means the approval required from the Department of Health and Mental Hygiene or its designee before services can be rendered. Preauthorization is currently required for certain audiology and hearing aid services, certain dental services, certain vision services, private duty nursing services, residential treatment services, and therapeutic behavioral services. The regulation adds intermediate care facilities as specified in COMAR 10.47.02.09 to the list of services that require preauthorization.

Legal Issue

The regulation presents 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 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.

This 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 clarifies that preauthorization is required for intermediate care facilities as a Medicaid EPSDT service. 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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