

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
Department of Health and Mental Hygiene
(DLS Control No. 15-126)**

Overview and Legal and Fiscal Impact

The regulations update and clarify provider requirements and behavioral health services provided by substance use disorder providers within the Public Behavioral Health System.

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: Community-Based Substance Use Disorder Services:
COMAR 10.09.80.01-.08

Legal Analysis

Summary of Regulations

COMAR 10.09.80.01 updates the definitions for the chapter, including a new definition for “substance use disorder services”.

Regulation .02 updates provider license requirements with a requirement of compliance with COMAR 10.09.36.02, which requires licensure in the state where services are rendered.

COMAR 10.09.80.03 establishes conditions for provider participation. Section A adds a new requirement that a provider comply with COMAR 10.09.36.03. Section B clarifies the services that are community-based substance use disorder services. Sections C, D, and a new E clarify provider documentation requirements.

COMAR 10.09.80.04B establishes participant eligibility for substance use disorder services.

Regulation .05 updates covered services and repeals obsolete provisions.

Regulation .06 updates services not covered under the Medical Assistance Program. New sections C through J establish limitations on services, including partial hospitalization and buprenorphine treatments.

Regulation .07 makes a technical change. Regulation .08 makes clarifying changes regarding payment procedures.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The Department of Health and Mental Hygiene cites §§ 2-104(b), 8-204(c)(1), 15-103(a)(1), and 15-105(b) 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 within 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. Former § 8-204, which pertained to the Alcohol and Drug Abuse Administration (ADAA), was repealed effective July 1, 2014, when the ADAA and Mental Hygiene Administration were merged into the Behavioral Health Administration. Section 7.5-204 establishes the duties and responsibilities of the Behavioral Health Administration.

The statutory 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 clarify and update provider requirements and behavioral health services provided by substance use disorder providers within the Public Behavioral Health System. The department advises that the regulations have 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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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