

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	11/03/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 12/11/2015

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
10	09	06	01 and .03
10	09	62	01
10	09	63	01
10	09	65	02
10	09	66	09

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator
Michele Phinney

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5. Name of Person to Call About this Document
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6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: October 6, 2015.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:
:
Md. R
(vol.) (issue) (page nos) (date)
Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by David Lapp, Assistant Attorney General, (telephone #410-767-5292) on October 22, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Telephone No.

Secretary

410-767-6500

Date

November 2, 2015

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.06 Medical Care Programs: Hospital Services

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.62 Maryland Medicaid Managed Care Program: Definitions

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.66 Maryland Medicaid Managed Care Program: Access

Authority: See proposal.

Notice of Proposed Action

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The Secretary of Health and Mental Hygiene proposes to :

- (1) Amend Regulations .01 and .03 under COMAR 10.09.06 Medical Care Programs: Hospital Services;
- (2) Amend Regulation .01 under COMAR 10.09.62 Maryland Medicaid Managed Care Program: Definitions;
- (3) Amend Regulation .01 under COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment;
- (4) Amend Regulation .02 under COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations; and
- (5) Adopt new Regulation .09 under COMAR 10.09.66 Maryland Medicaid Managed Care Program: Access.

Statement of Purpose

The purpose of this action is to :

- (1) Add the definition of a medically underserved area;
- (2) Require hospitals that are the sole hospital in a county that is medically underserved to contract with any willing MCO;
- (3) Add language to exclude individuals who are 64 ½ from being eligible for enrollment in the Managed Care Program;
- (4) Update the authority under which the Patient Centered Medical Home Program operates; and
- (5) Require MCOs whose service area includes medically underserved counties where there is only one hospital to include the hospital in its network.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through January 11, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:
These changes are to clarify existing regulations.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Affects HealthChoice MCOs which are not small businesses.

G. Small Business Worksheet:

Attached Document:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.06: Hospital Services

Authority: Health-General Article, §2-104(b) 15-102.8, 15-103, and 15-105, Annotated Code of Maryland

10.09.06.01 (10/6/15)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(21-1) (text unchanged)

(21-2) "*Medically Underserved Area*" means an area designated by the Health Resources and Services Administration (HRSA) as having shortages of primary care, dental care, or mental health providers.

(22)—(47) (text unchanged)

.03 Conditions for Participation.

A. (text unchanged)

B. Specific requirements for participation in the Program as a hospital services provider require that the provider:

(1)—(7) (text unchanged)

(8) If an out-of-State or District of Columbia hospital, shall:

(a)—(b) (text unchanged)

(c) Allow all HealthChoice managed care organizations to pay no more than the reimbursement rates established in COMAR 10.09.06.09A(7)(a)—(f); [and]

(9) If a District of Columbia hospital, shall allow all HealthChoice managed care organizations to pay no more and no less than the reimbursement rates in COMAR 10.09.06.15B(3) and COMAR 10.09.06.15-1A(3) unless the parties mutually agree to an alternative arrangement in a contract on or after July 1, 2011[.]; and

(10) *If the sole hospital in a county designated as a Medically Underserved Area, contract with any willing HealthChoice managed care organization.*

C. (text unchanged)

10.09.62 Maryland Medicaid Managed Care Program: Definitions

Authority: Health-General Article, §15-101, Annotated Code of Maryland

10.09.62.01 (10/6/15)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(96) (text unchanged)

(97) "Local access area" means the local geographical area, as identified by the zip code groupings in COMAR [10.09.66.06E] 10.09.66.06D, that is located within the relevant MCO's service area and in which the relevant enrollee resides.

(98)—(115) (text unchanged)

(115-1) "Medically Underserved Area" means an area designated by the Health Resources and Services Administration (HRSA) as having shortages of primary care, dental care, or mental health providers.

(116)—(174) (text unchanged)

(175) "Systems performance review (SPR)" means an assessment, as a component of the [annual] quality assurance (QA) audit, of quality assurance operations taking place in the MCO.

(176)—(181) (text unchanged)

10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment

Authority: Health-General Article, §15-103(b)3) (4) and (6), Annotated Code of Maryland

10.09.63.01 (9/28/15)

.01 Eligibility.

A. Criteria. Except as provided in §B of this regulation, a Program recipient shall be enrolled in the Maryland Medicaid Managed Care Program, described in this chapter, if the recipient is eligible for receipt of Medical Assistance benefits by qualifying:

(1) As categorically needy or medically needy under COMAR 10.09.24, unless the recipient is:

(a) [65] 64 ½ years old or older;

(b)—(d) (text unchanged)

(2)—(3) (text unchanged)

B. (text unchanged)

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Insurance Article, §15-112, 15-605, and 15-1008; Health-General Article, §2-104, 15-102.3, and 15-103; Annotated Code of Maryland

10.09.65.02 (10/6/15)

.02 Conditions for Participation.

A. — BB. (text unchanged)

CC. Effective July 1, 2011, MCOs shall participate in the Maryland Health Care Commission's Patient Centered Medical Home Program [as described in] *authorized under* Health-General Article, [§§19-1A-02—19-1A-05] §§19-103 and 19-109, Annotated Code of Maryland, and follow the policies and procedures established by the Maryland Health Care Commission.

DD.—EE. (text unchanged)

10.09.66 Maryland Medicaid Managed Care Program: Access

Authority: Health-General Article, §15-102.1(b)10) and 15-103(b) Annotated Code of Maryland

.09 Access: Hospitals

If an MCO's service area includes a county that is designated as a Medically Underserved Area and there is only one hospital in the county, the MCO shall include the hospital in its network.

VAN T. MITCHELL

Secretary of Health and Mental Hygiene