

MARYLAND REGISTER

Proposed Action on Regulations

Comparison to Federal Standards Submission and Response

Name: Michele Phinney
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In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

COMAR Codification: 10.09.07.08

Corresponding Federal Standard:

Departmental Appeals Board (DAB), in Decision No. 1924 (2004), reconsidered in Ruling 2005-1 (2005)

Discussion/Justification:

The amendments update language regarding free care policy to align with federal regulation.

TO BE COMPLETED BY DBED

- Agree

-Disagree

Comments:

Commerce does not have the necessary expertise in this area. Commerce believes that the Department of Health and Mental Hygiene does have the necessary expertise in this area and therefore Commerce trusts their assertion that the proposal is not more restrictive/stringent than federal standards.

Name: Jennifer Cox

Date: 6/22/2016

-Submit to Governor's Office

Governor's Office Response

Comments:

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/22/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 7/22/2016

2. COMAR Codification

Title Subtitle Chapter Regulation

10 09 07 08

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

Michele Phinney

Telephone Number

410-767-5623

Mailing Address

201 W. Preston Street

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5. Name of Person to Call About this Document

Emma Calvet

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410-767-0579

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6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: April 29, 2016.

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 General Provisions Article, §3-302(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 June 17, 2016. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Van T. Mitchell

Title

Secretary

Telephone No.

410-767-6500

Date

June 22, 2016

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.07 Medical Day Care Services

Authority: Health-General Article, §§2-104(b), 15-105, and 15-111, Annotated Code of Maryland

Notice of Proposed Action

□

The Secretary of Health and Mental Hygiene proposes to amend Regulation .08 under COMAR 10.09.07 Medical Day Care Services.

Statement of Purpose

The purpose of this action is to modify the indexing of rates in order to ensure that the amount of the applicable index will be known during the time that the annual budget is developed. Language is also proposed to align with federal policy allowing Medicaid payment for services provided free of charge to other patients.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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 August 22, 2016. A public hearing has not been scheduled.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2017

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:

The proposed changes do not alter the rates established for FY 2017 in accordance with existing regulatory provisions.

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

See E. above.

G. Small Business Worksheet:

Attached Document:

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Authority: Health-General Article, §§2-104(b), 15-105, and 15-111, Annotated Code of Maryland

10.09.07.08 (04/29/2016)

.08 Payment Procedures.

A.—C. (text unchanged)

D. Per Diem Rate.

(1) Payment to a provider of medical day care services shall be on a per diem basis. The per diem rate is [\$71.08] \$75.99 effective July 1, [2011] 2016.

(2) Effective July 1, [2012] 2017, subject to the limitations of the State's budget, the per diem rate shall be adjusted annually by [adjusting the per diem rate for the preceding fiscal year by] the percentage of the annual increase in the [March] *previous July* Consumer Price Index for All Urban Consumers, medical care component, Washington-

Baltimore, from U.S. Department of Labor, Bureau of Labor Statistics. [This rate shall be established 1 month before the beginning of the State's new fiscal year and shall be applicable for the State's entire fiscal year.]

(3) (text unchanged)

E. Payment to a provider of medical day care services may not exceed the lesser of the:

(1) (text unchanged)

(2) Provider's customary charge to the general public for services covered by the Program, *unless the service is free to individuals not covered by Medicaid.*

F. *If the service is free to individuals not covered by Medicaid:*

(1) *The provider:*

(a) *May charge the Program; and*

(b) *Shall be reimbursed in accordance with §D of this regulation; and*

(2) *The provider's reimbursement is not limited to the provider's customary charge.*

VAN T. MITCHELL

Secretary of Health and Mental Hygiene