

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	06/29/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/5/2016

2. COMAR Codification

Title Subtitle Chapter Regulation
10 09 59 01, .04, and .06

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator Telephone Number
Michele Phinney 410-767-5623

Mailing Address

201 W. Preston Street

City State Zip Code
Baltimore MD 21201

Email
michele.phinney@maryland.gov

5. Name of Person to Call About this Document Telephone No.
Emma Calvet 410-767-0579

Email Address
emma.calvet@maryland.gov

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 09 MEDICAL CARE PROGRAMS

10.09.59 Specialty Mental Health Services

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

Notice of Proposed Action

[]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01, .04, and .06 under COMAR 10.09.59 Specialty Mental Health Services.

Statement of Purpose

The purpose of this action is to :

- (1) Facilitate the integration of mental health and substance-related disorder regulations into a new comprehensive regulation for behavioral health. During the transition period to the new regulations, both the old sets of regulations found in COMAR 10.09.59.04 and the newly promulgated regulations in COMAR 10.63 will be needed; and
- (2) Update definitions and regulations for laboratory screens that the administrative services organization (ASO) is responsible for paying.

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

dhmmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 6, 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?

No

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:

No funding is necessary for implementation of these regulation updates.

E. If these regulations have no economic impact under Part A, indicate reason briefly: The proposed changes only facilitate the transition to a new set of comprehensive regulations. This process does not have an economic impact.

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:

Title 10

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.59 Specialty Mental Health Services

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

10.09.59.01 (6/8/2016)

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(2) *"Definitive drug test" means a drug screening test that include:*

(a) The ability to identify individual drugs and distinguish between structural isomers, but not necessarily stereoisomers, using gas chromatography or mass spectrometry and liquid chromatography or mass spectrometry;

(b) Qualitative or quantitative results;

(c) All source types for specimen selection; and

- (d) Specimen validity testing, per day, 1—22 or more drug classes including metabolites, if performed.
- [(2)] (3)—[(9)] (10) (text unchanged)
- (11) “Presumptive drug test” means a drug screening test that include:
- (a) Any number of drug classes;
- (b) Any number of devices;
- (c) The use of direct optical observation, instrument assisted direct optical observation or instrumented chemistry analyzers; and
- (d) Sample validation.
- [(10)] (12)—[(13)] (15) (text unchanged)

10.09.59.04 (6/8/2016)

.04 Provider Requirements for Participation.

- A. (text unchanged)
- B. Community Mental Health Program Providers. To participate in the Program as a community-based mental health program provider, the provider shall be approved under COMAR 10.21.16 and COMAR 10.63.06, whichever is applicable, by the Office of Health Care Quality as:
- (1) A psychiatric rehabilitation program in compliance with:
- (a) COMAR 10.21.17 if approved and COMAR 10.63.01 if licensed;
- (b) If serving adults, COMAR 10.21.21 if approved and 10.63.03.09 if licensed; and
- (c) If serving children, COMAR 10.21.29 if approved and 10.63.03.10 if licensed;
- (2) A mobile treatment program in compliance with:
- (a) COMAR 10.21.17 and 10.21.19 if approved; and
- (b) COMAR [10.21.19] 10.63.01 and 10.63.03.05 if licensed; or
- (3) An outpatient mental health clinic in compliance with:
- (a) COMAR 10.21.17 and 10.21.20 if approved; and
- (b) COMAR [10.21.20] 10.63.01 and 10.63.03.05 if licensed.
- C. (text unchanged)
- D. Other Licensed or Approved Mental Health Providers. To participate in the Program as a specialty mental health provider not defined in §§A—C of this regulation, a provider shall be approved pursuant to COMAR as a:
- (1)—(3) (text unchanged)
- (4) Non-hospital-based mental health psychiatric day treatment provider in compliance with:
- (a) COMAR 10.21.17 and 20.21.02 if approved; and
- (b) COMAR [10.21.02] 10.63.01 and 10.63.03.08 if licensed;
- (5)—(8) (text unchanged)

10.09.59.06 (6/8/2016)

.06 Covered Services.

The ASO shall reimburse the following specialty mental health services rendered to participants when authorized by the ASO:

A.—B. (text unchanged)

C. [Laboratory services listed as follows] *Presumptive drug tests and definitive drug tests*, when ordered by a specialty mental health provider, with a behavioral health primary diagnosis listed in COMAR 10.09.70.02I or J on the claim[.].

[CPT Codes	
36415	Collection of Blood by Venipuncture
96372	Therapeutic Injection
00104	Anesthesia for ECT
90870	ECT Single Seizure with Monitoring
80002—80299	Lab Services
80327—80357	Lab Services
80359—89999	Lab Services
Revenue Codes	
0300	Laboratory —Clinical Diagnostic
0301	Laboratory —Clinical Diagnostic: Chemistry
0302	Laboratory —Clinical Diagnostic: Immunology
0304	Laboratory —Clinical Diagnostic: Non-routine dialysis

0305	Laboratory —Clinical Diagnostic: Hematology
0306	Laboratory —Clinical Diagnostic: Bacteriology/microbiology
0307	Laboratory —Clinical Diagnostic: Urology
0309	Laboratory —Clinical Diagnostic: Other laboratory
0310	Laboratory —Pathology
0311	Laboratory —Pathology: Cytology
0312	Laboratory — Pathology: Histology
0730	EKG/ECG general classification
0637	Self-Administered Drugs
HCPCS Codes	
G0434	Drug screen, other than chromatographic
G0431	Drug screen, qualitative
G6040	Alcohol; any specimen except breathe
G6042	Amphetamine or methamphetamine
G6043	Barbiturates, not otherwise specified
G6031	Benzodiazepines
G6044	Cocaine or metabolite
G6053	Methadone
G6056	Opiate(s), drug and metabolites, each procedure]

VAN T. MITCHELL

Secretary of Health and Mental Hygiene