

MARYLAND REGISTER

**Proposed Action on Regulations**

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

**1. Desired date of publication in Maryland Register: 8/19/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

10 09 33 09  
10 09 80 08  
10 09 89 10-.14

**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.**  
Alison Donley 410-767-6541



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

**10.09.33 Health Homes**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.80 Community-Based Substance Use Disorder Services**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families**

Authority: See proposal.

**Notice of Proposed Action**

□

The Secretary of Health and Mental Hygiene proposes to amend:

- (1) Regulation .09 under COMAR 10.09.33 Health Homes;
- (2) Regulation .08 under COMAR 10.09.80 Community-Based Substance Use Disorder Services; and
- (3) Regulations .10—.14 under COMAR 10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families.

**Statement of Purpose**

The purpose of this action is to update the listed rates for community based behavioral health services to the 2 percent increased rate, effective July 1, 2016. The Fiscal Year 2017 State budget, approved under Senate Bill 190 and assigned Chapter 143 in the 2016 Laws of Maryland Volume V, includes a 2 percent rate increase for community behavioral health providers, in accordance with Article III, §52(6) of the Maryland Constitution, April 12, 2016.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

This proposed action will result in the increase of the rates for Maryland Health Home services; 1915(i) Intensive Behavioral Health Services for Children and Youth; and Community Based Substance Use Disorder Services. The state general funds impact is

expected to be \$1,385,351 for state fiscal year 2017. The federal funds impact is expected to be \$1,385,353. The total funds impact is expected to be \$2,770,705.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	\$2,770,705
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(+)	\$2,770,705
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

- A. Estimated fiscal impacts are based on calendar year 2015 utilization and enrollment growth rates. Actual utilization could be lower if enrollment plateaus.
- D. See A. above.

**Economic Impact on Small Businesses**

The proposed action has a meaningful economic impact on small business. An analysis of this economic impact follows.

The small businesses that could be impacted by this proposal include community based behavioral health providers which include Health Homes, 1915(i) providers, and community based substance use disorder treatment programs. Community based behavioral health providers will receive Medicaid reimbursement rates that are increased by 2 percent.

**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 19, 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?

Yes

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

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:

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

G. Small Business Worksheet:

Attached Document:

---

## **Title 10**

# **DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Subtitle 09 MEDICAL CARE PROGRAMS**

### **10.09.33 Health Homes**

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

*10.09.33.09 (6/29/16)*

#### **.09 Payment Procedures.**

A.—B. (text unchanged)

C. Payment shall be made:

(1) (text unchanged)

(2) [At] *Effective July 1, 2016, at a monthly rate per participant[,] of [\$98.87] \$100.85, on the condition that the requirements of this chapter are met.*

### **10.09.80 Community-Based Substance Use Disorder Services**

Authority: Health-General Article, §§2-104(b), 8-204(c)(1), 15-103(a)(1), and 15-105(b), Annotated Code of Maryland

*10.09.80.08 (6/29/16)*

**.08 Payment Procedures.**

A.—C. (text unchanged)

D. [Rates] *Effective July 1, 2016*, for the services outlined in this regulation shall be as follows:

- (1) Comprehensive substance use disorder assessment — [\$142] *\$144.84*;
- (2) Level 1 group substance use disorder counseling — [\$39] *\$39.78* per session;
- (3) Level 1 individual substance use disorder counseling — [\$20] *\$20.40* per 15-minute increment with a maximum of six 15-minute increments per day;
- (4) Level 2.5 Intensive Outpatient treatment — [\$125] *\$127.50* per diem;
- (5) Level 2.5 Partial Hospitalization half day session — [\$130] *\$132.60* per diem;
- (6) Level 2.5 Partial Hospitalization full day session — [\$210] *\$214.20* per diem;
- (7) Opioid Maintenance Therapy — [\$80] *\$81.60* per participant per week;
- (8) Buprenorphine Induction — [\$200] *\$204* per participant per week;
- (9) Buprenorphine Maintenance Therapy — [\$75] *\$76.50* per participant per week; and
- (10) Ambulatory Withdrawal Management — [\$70] *\$71.40* per diem.

E.—G. (text unchanged)

**10.09.89 1915(i) Intensive Behavioral Health Services for Children, Youth, and Families**

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

*10.09.89.10 (6/29/16)*

**.10 Covered Services — Family Peer Support Services.**

Family peer support services:

A.—E. (text unchanged)

F. [Are] *Effective July 1, 2016*, are reimbursed at the following rates:

- (1) [\$15.97] *\$16.29* per 15 minute unit for face-to-face services; or
- (2) [\$7.98] *\$8.14* per 15 minute unit for telephonic or other non- face-to-face activities.

*10.09.89.11*

**.11 Covered Services — Respite Services.**

Respite services:

A.—D. (text unchanged)

E. [Are] *Effective July 1, 2016*, are reimbursed at the following rates:

- (1) [\$25.16] *\$25.66* per one hour unit of service for community-based respite services; or
- (2) [\$199.44] *\$203.43* per unit of out-of-home respite care.

*10.09.89.12*

**.12 Covered Services — Expressive and Experiential Behavioral Services.**

A.—B. (text unchanged)

C. Reimbursement. [Reimbursement] *Effective July 1, 2016*, reimbursement for services described in this regulation shall be as follows:

- (1) For individual therapy provided by a:
  - (a) Licensed mental health professional at a rate of:
    - (i) [\$68.41] *\$69.78* per 45—50 minute session; or
    - (ii) [\$89.62] *\$91.41* per 75—80 minute session;
  - (b) Non-licensed mental health professional at a rate of:
    - (i) [\$62.19] *\$63.43* per 45-minute session; or
    - (ii) [\$80.85] *\$82.47* per 75—80 minute session; and
- (2) For group therapy provided by a:
  - (a) Licensed mental health professional at a rate of:
    - (i) [\$27.20] *\$27.74* per 45—60 minute session; or
    - (ii) [\$35.36] *\$36.07* per prolonged (75—90 minute) session;
  - (b) Non-licensed mental health professional at a rate of:
    - (i) [\$24.16] *\$24.64* per 45—60 minute session; or
    - (ii) [\$31.41] *\$32.04* per prolonged (75—90 minute) session.

*10.09.89.13*

**.13 Covered Services — Mobile Crisis Response Services.**

A.—C. (text unchanged)

D. *Effective July 1, 2016*, MCRS are reimbursed at the following rates:

- (1) [\$25.62] *\$26.13* per 15 minute unit of service for crisis response or stabilization; and[,]

(2) [\$307.39] \$313.54 per assessment.

10.09.89.14

**.14 Covered Services — Intensive In-Home Services.**

A.—E. (text unchanged)

F. [Reimbursement] *Effective July 1, 2016, reimbursement* for IIHS services shall be provided at the rate of:

- (1) [\$248.90] \$253.88 per week of service for EBP-IIHS providers; or
- (2) [\$197.47] \$201.42 per week of service for non-EBP IIHS providers.

**VAN T. MITCHELL**

**Secretary of Health and Mental Hygiene**