**MARYLAND REGISTER**

**Proposed Action on Regulations**

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<th>Transmittal Sheet</th>
<th>Date Filed with AELR Committee</th>
<th>TO BE COMPLETED BY DSD</th>
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<tr>
<td>PROPOSED OR REPROPOSED Actions on Regulations</td>
<td>06/29/2017</td>
<td>DateFiled with Division of State Documents</td>
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1. Desired date of publication in Maryland Register: 8/4/2017

2. **COMAR Codification**

<table>
<thead>
<tr>
<th>Title</th>
<th>Subtitle</th>
<th>Chapter</th>
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<tr>
<td>10</td>
<td>09</td>
<td>36</td>
<td>03</td>
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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

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
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<tbody>
<tr>
<td>Baltimore</td>
<td>MD</td>
<td>21201</td>
</tr>
</tbody>
</table>

**Email**

michelle.phinney@maryland.gov

5. **Name of Person to Call About this Document**

   Alison Donley

   **Telephone No.**

   410-767-6541

**Email Address**

alison.donley@maryland.gov

6. **Check applicable items:**

   _ New Regulations
   X- Amendments to Existing Regulations
7. Is there emergency text which is identical to this proposal:  
   _ Yes  X- 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 March 22, 2017. A written copy of the approval is on file at this agency.

**Title of Authorized Officer**  
Dennis Schrader  
Title: Secretary of Health  
Telephone No.: 410-767-6500  
Date: June 29, 2017

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**Title 10**  
**DEPARTMENT OF HEALTH AND MENTAL HYGIENE**
Notice of Proposed Action

The Secretary of Health proposes to amend Regulation .03 under COMAR 10.09.36 General Medical Assistance Provider Participation Criteria.

Statement of Purpose

The purpose of this action is to clarify that providers may not seek payment from multiple State agencies for the same service and that providers shall comply with all standards of practice, professional standards and levels of service as set forth in all applicable federal and State laws, statues, rules and regulations, as well as all administrative policies, procedures, transmittals, and guidelines issued by the Department. Finally, this proposal updates references to hospital services chapters.

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, Maryland Department of Health, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499; TTY:800-735-2258, or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through September 5, 2017. A public hearing has not been scheduled.
Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2018

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: This proposal clarifies existing policy and do not involve 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
MARYLAND DEPARTMENT OF HEALTH
Subtitle 09 MEDICAL CARE PROGRAMS

10.09.36 General Medical Assistance Provider Participation Criteria

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

10.09.36.03 (6/20/2017)

.03 Conditions for Participation.
   A. To participate in the Program, the provider shall [comply with the following criteria]:
      (1)—(6) (text unchanged)
      (7) Comply with all standards of practice, professional standards and levels of service as set forth in all applicable federal and State laws, statutes, rules and regulations, as well as all administrative policies, procedures, transmittals, and guidelines issued by the Department;
      [](7) [(8)]—[(20)] [(21)] (text unchanged)
   B. A provider may not seek payment from more than one State agency for the same service.
   [E.] F. The following types of providers shall comply with the requirements of 42 CFR Part 489, Subpart I, Advance Directives:
      (1) [Hospitals] Acute hospitals under COMAR 10.09.06 and 10.09.34] 10.09.92;
      (2) Chronic hospitals under COMAR 10.09.93;
      (3) Special pediatric hospitals under COMAR 10.09.94;
      (4) Special psychiatric hospitals under COMAR 10.09.95;
      [(2)] [(5)]—[(6)] [(9)] (text unchanged)

DENNIS SCHRADER
Secretary of Health