

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Department of Health and Mental Hygiene  
(DLS Control No. 15-392)**

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**Overview and Legal and Fiscal Impact**

The regulation removes obsolete language regarding authorized signatories to a Medicaid application.

The regulation presents no legal issues of concern.

There is no impact on the State or local agencies.

**Regulation of COMAR Affected**

**Department of Health and Mental Hygiene:**

Medical Care Programs: Medical Assistance Eligibility: COMAR 10.09.24.04

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**Legal Analysis**

**Background**

The Department of Health and Mental Hygiene indicates there is a corresponding federal standard related to the regulation, and that the regulation is not more restrictive or stringent than the federal standard. 42 CFR 435.907(a) requires a written application from the applicant, an authorized representative, or if the applicant is incompetent or incapacitated, someone acting responsibly for the applicant. 42 CFR 435.923 requires acceptance of authorized representatives.

**Summary of Regulation**

The regulation amends COMAR 10.09.24.04F(5) to allow a Medicaid applicant or an authorized representative to complete and sign the application. The regulation repeals references to an applicant being physically or mentally unable to sign the form.

**Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 2-104(b), 15-103, and 15-105 of the Health – General Article as statutory authority for the regulation. Section 2-104(b) authorizes the Secretary of Health and Mental Hygiene to adopt rules and regulations to carry out the provisions of law with the jurisdiction of the Secretary. Section 15-103 establishes the Maryland Medical Assistance Program and requires the Secretary to administer the program, including adopting regulations. Section 15-105(b) requires the department to adopt rules and regulations for the reimbursement of providers for services under the Medicaid program.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no impact on the State or local agencies.

## **Agency Estimate of Projected Fiscal Impact**

The regulation permits an authorized representative to complete and sign a Medicaid application form on behalf of an applicant, without regard to the applicant's physical or mental condition. The department advises that the regulation has no impact on State or local governments as it reflects current practice and removes obsolete language. The Department of Legislative Services concurs.

## **Impact on Budget**

There is no impact on the State operating or capital budget.

## **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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