

MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
08/11/2016		
Emergency Status Approved		Document Number
_ -Yes _ -No		Date of Publication in MD Register
Emergency Status Begins On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

10 37 10 03

2. Name of Promulgating Authority

Health Services Cost Review Commission

3. Name of Regulations Coordinator

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4. Name of Person to Call About this Document
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5. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: 9/1/2016

Date Requested for Emergency Status to Expire: 2/1/2017

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

If yes, corresponding proposed text published in:

- same issue
- future issue
- previous issue; it appeared in
: Md. R
(vol.) (issue) (page no's) (date)

Under Maryland register docket no.: --E.

9. Check the following item if it is included in the attached document:

- 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.)

10. Reason for Request for Emergency Status

To extend the moratorium while proposed regulation is being promulgated.

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 Leslie C. Schulman, Assistant Attorney General, (telephone #410-764-2576) on 08/10/2016. A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Nelson Sabatini

Title
Chairman
Date
08/10/2016

Telephone No.
410-764-2605

Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION

10.37.10 Rate Application and Approval Procedures

Authority: Health-General Article, Sections 19-207, 19-219, and 19-222; Annotated
Code of Maryland

Notice of Emergency Action

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The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amend Regulation .03 under COMAR 10.37.10 Rate Application and Approval Procedure.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

I. Summary of Economic Impact.

The filing of full rate applications become the exception as hospitals are able to avail themselves of other administrative remedies for seeking rate relief.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
(1) 1	(-)	Minimal
E. On other industries or trade groups:		
() 2	(-)	Minimal
	NONE	
F. Direct and indirect effects on public:		
() 3	(+)	Minimal
	NONE	

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

D(1). This assumption is based on the belief that although hospitals will not be able to file full rate applications during the moratorium, they have other administrative remedies and opportunities available for obtaining rate relief during the moratorium.

E(). This assumption is based on the belief that third party payers will not be paying higher rates associated with a full rate application during the moratorium. However, the filing of full rate applications has become the exception as hospitals are able to avail themselves of other administrative remedies for seeking rate relief.

F(). This assumption is based on the belief that the public will not be paying higher rates associated with a full rate application during the moratorium. However, the filing of full rate applications has become the exception as hospitals are able to avail themselves of other administrative remedies for seeking rate relief.

Economic Impact on Small Businesses

The emergency action has minimal or no economic impact on small businesses.

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:

100% Special Funds - Hospital Assessments

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.

Small business is not affected by rate applications

G. Response to small business worksheet:

Attached Document:

**Title 10 DEPARTMENT OF HEALTH
AND MENTAL HYGIENE**

**Subtitle 37 HEALTH SERVICES COST REVIEW
COMMISSION**

Chapter 10 Rate Application and Approval Procedures

**Authority: Health-General Article, §§ 19-207, 19-219, and 19-222; Annotated Code
of Maryland**

NOTICE OF EMERGENCY ACTION

.03 Regular Rate Applications.

A. A hospital may not file a regular rate application with the Commission until rate efficiency measures are adopted by the Commission which are consistent with the all-payer model contract approved by the Centers for Medicare & Medicaid Services (CMS). During this interim period of time, a hospital may seek a rate adjustment under any other administrative remedy available to it under existing Commission, law, regulation, or policy. The rate efficiency measures shall be adopted by the Commission no later than [July 1, 2016] *October 31, 2017*. [In no event shall the moratorium continue in effect beyond September 30, 2016.] Once the moratorium is lifted, a hospital may file a regular rate application with the Commission at any time if:

(1) (text unchanged)

(2) (text unchanged)

B. – D. (text unchanged)

NELSON SABATINI
Chairman
Health Services Cost Review Commission