

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	12/01/2017	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 1/5/2018

2. COMAR Codification

Title Subtitle Chapter Regulation

10 14 06 01-.04

3. Name of Promulgating Authority

Department of Health and Mental Hygiene

4. Name of Regulations Coordinator

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Title 10
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
Subtitle 14 CANCER CONTROL

10.14.06 Cigarette Restitution Fund Program

Authority: Health-General Article, §§13-1001—13-1014 and 13-1101—13-1119,
Annotated Code of Maryland

Notice of Proposed Action

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The Secretary of Health proposes to amend Regulations .01—.04 under COMAR 10.14.06 Cigarette Restitution Fund Program.

Statement of Purpose

The purpose of this action is to :

- (1) Add “underinsured” individuals to those who qualify for cancer treatment services per Chapter 139, Acts of 2017 (HB 747) – Public Health – Cigarette Restitution Fund Programs - Modifications;
- (2) Clarify which eligibility requirements apply to cancer treatment services and tobacco treatment products; and
- (3) Update the name of the Maryland Children’s Health Insurance Program.

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 February 5, 2018. 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: By adding “underinsured” individuals to those who are eligible to receive cancer treatment services, the number of people who will qualify for cancer treatment services under the Cigarette Restitution Fund Program will increase. However, due to changes resulting from the Affordable Care Act, local health departments are paying for fewer screening services for uninsured clients. Adding services for underinsured individuals allows local health departments to direct funds to where they are most needed. Funding allocations to local health departments are not changing because of this proposal and adding “underinsured” aligns regulations with statute and current practice.

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

These amendments apply to the Cigarette Restitution Fund Program, which is administered by local health departments and Statewide academic health centers. Therefore, there is no economic impact on small businesses.

G. Small Business Worksheet:

Attached Document:

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 14 CANCER CONTROL

10.14.06 Cigarette Restitution Fund Program

Authority: Health-General Article, §§13-1001—13-1014 and 13-1101—13-1119, Annotated Code of Maryland

10.14.06.01 (7/6/17)

.01 Scope.

This chapter establishes the financial eligibility criteria for an uninsured *or underinsured* individual to receive cancer treatment services and tobacco treatment products under the Cigarette Restitution Fund Program.

10.14.06.02

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(2) (text unchanged)

(3) "Cancer treatment service" means a medical service [or], medical supply, or medical equipment provided to:

(a)—(d) (text unchanged)

[(4) "Children's Health Insurance Plan" means the program administered by Medical Assistance to provide health insurance coverage to eligible children younger than 19 years old in Maryland.]

[(5)] (4)—[(8)] (7) (text unchanged)

(8) "*Maryland Children's Health Insurance Program*" means the program administered by Medical Assistance to provide health insurance coverage to eligible children younger than 19 years old in Maryland.

(9)—(14) (text unchanged)

(15) "*Underinsured*" individual means an applicant:

(a) *Who has private medical insurance, Medical Assistance, Medicare, or Maryland Children's Health Insurance Program coverage;*

(b) *For whom the appropriate treatment is not adequately covered due to out-of-pocket costs including:*

(i) *Copayments;*

(ii) *Coinsurance; or*

(iii) *Deductibles; and*

(c) *Who the Department determines does not have the financial means to pay for appropriate treatment.*

[(15)] (16) "Uninsured" individual means an applicant who:

(a) Either:

(i) Does not have private medical insurance, Medical Assistance, Medicare, or *Maryland Children's Health Insurance [Plan] Program* coverage; or

(ii) Has private medical insurance, Medical Assistance, Medicare, or *Maryland Children's Health Insurance [Plan] Program* coverage that does not provide insurance coverage for medically necessary services for a cancer treatment service or tobacco treatment product; and

(b) (text unchanged)

[(16)] (17) (text unchanged)

10.14.06.03

.03 Responsibilities of the Department.

The Department shall:

A. Establish guidelines for defining financial eligibility of an [uninsured individual for the purpose of receiving]:

(1) [Cancer] *Uninsured or underinsured individual for the purpose of receiving cancer treatment services under the Cancer Prevention, Education, Screening and Treatment Program; and*

(2) [Tobacco] *Uninsured individual for the purpose of receiving tobacco treatment products under the Tobacco Use Prevention and Cessation Program; and*

B. (text unchanged)

10.14.06.04

.04 Responsibilities of Local Health Departments and Statewide Academic Health Centers.

A. (text unchanged)

B. If a local health department or a Statewide academic health center decides that grant funds under the Cigarette Restitution Fund Program will be used to pay for cancer treatment services or tobacco treatment products:

(1) (text unchanged)

(2) A local health department or a Statewide academic health center shall adhere to the financial guidelines established by the Department *for:*

(a) *Cancer treatment services as set forth in Regulation .05 [and] of this chapter; and*

(b) *Tobacco treatment products as set forth in Regulation .06 of this chapter.*

DENNIS SCHRADER

Secretary of Health