

SENATE BILL 612

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2002 Regular Session
2lr2606
CF 2lr2604

By: **Senators Della and Bromwell**

Introduced and read first time: February 1, 2002

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Assistance - Hospitals - Off-Site Community-Based Mental Health**
3 **Services**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
5 certain regulations for the reimbursement of certain facilities under the Medical
6 Assistance Program; requiring that a hospital providing mental health services
7 at an off-site, community-based mental health center prior to a certain date be
8 subject to certain rates and provisions of law under certain circumstances; and
9 generally relating to off-site, community-based mental health services provided
10 by a hospital.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 15-105
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2001 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Health - General**

19 15-105.

20 (a) The Department shall adopt rules and regulations for the reimbursement
21 of providers under the Program. However, except for an invoice that must be
22 submitted to a Medicare intermediary or Medicare carrier for an individual who may
23 have both Medicare and Medicaid coverage, payment may not be made for an invoice
24 that is received more than 1 year after the dates of the services given.

25 (b) A provider who fails to submit an invoice within the required time may not
26 recover the amount later from the Program recipient.

27 (c) (1) The Department shall adopt regulations for the reimbursement of
28 specialty outpatient treatment and diagnostic services rendered to Program

1 recipients at a freestanding clinic owned and operated by a hospital that is under a
2 capitation agreement approved by the Health Services Cost Review Commission.

3 (2) (i) Except as provided in subparagraph (ii) of this paragraph, the
4 reimbursement rate under paragraph (1) of this subsection shall be set according to
5 Medicare standards and principles for retrospective cost reimbursement as described
6 in 42 CFR Part 413 or on the basis of charges, whichever is less.

7 (ii) The reimbursement rate for a hospital that has transferred
8 outpatient oncology, diagnostic, rehabilitative, and digestive disease services to an
9 off-site facility prior to January 1, 1999 shall be set according to the rates approved
10 by the Health Services Cost Review Commission if:

11 1. The transfer of services was due to zoning restrictions at
12 the hospital campus;

13 2. The off-site facility is surveyed as part of the hospital for
14 purposes of accreditation by the Joint Commission on the Accreditation of Health
15 Care Organizations; and

16 3. The hospital notifies the Health Services Cost Review
17 Commission in writing by July 1, 1999 that the hospital would like the services
18 provided at the off-site facility subject to Title 19, Subtitle 2 of this article.

19 (d) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE
20 REIMBURSEMENT OF OUTPATIENT MENTAL HEALTH SERVICES PROVIDED AT AN
21 OFF-SITE, COMMUNITY-BASED MENTAL HEALTH CENTER BY A HOSPITAL.

22 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
23 PARAGRAPH, THE REIMBURSEMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION
24 SHALL BE SET ACCORDING TO MEDICARE STANDARDS AND PRINCIPLES.

25 (II) THE REIMBURSEMENT RATE FOR A HOSPITAL PROVIDING
26 MENTAL HEALTH CARE SERVICES AT AN OFF-SITE, COMMUNITY-BASED MENTAL
27 HEALTH CENTER BEFORE JANUARY 1, 1997 SHALL BE SET ACCORDING TO THE RATES
28 ESTABLISHED BY THE HEALTH SERVICES COST REVIEW COMMISSION IF:

29 1. THE OFF-SITE FACILITY IS SURVEYED AS PART OF THE
30 HOSPITAL FOR PURPOSES OF ACCREDITATION BY THE JOINT COMMISSION ON THE
31 ACCREDITATION OF HEALTH CARE ORGANIZATIONS; AND

32 2. THE HOSPITAL NOTIFIES THE HEALTH SERVICES COST
33 REVIEW COMMISSION IN WRITING ON OR BEFORE JULY 1, 2002 THAT THE HOSPITAL
34 WOULD LIKE THE SERVICES PROVIDED AT THE OFF-SITE FACILITY SUBJECT TO
35 TITLE 19, SUBTITLE 2 OF THIS ARTICLE.

36 (E) This section has no effect if its operation would cause this State to lose any
37 federal funds.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
2 effect June 1, 2002.