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By: **Senators Hogan and Hollinger**  
Introduced and read first time: January 29, 2003  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program - Reimbursement for Outpatient**  
3 **Mental Health Treatment - Dual Eligibility**

4 FOR the purpose of requiring the Maryland Medical Assistance Program to reimburse  
5 certain providers of outpatient mental health treatment a certain amount of the  
6 Program fee for certain individuals; defining certain terms; and generally  
7 relating to a certain Program reimbursement amount to certain providers for  
8 certain mental health treatment for certain individuals.

9 BY repealing and reenacting, without amendments,  
10 Article - Health - General  
11 Section 15-101(a) and (i)  
12 Annotated Code of Maryland  
13 (2000 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article - Health - General  
16 Section 15-105  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume and 2002 Supplement)

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

21 **Article - Health - General**

22 15-101.

23 (a) In this title the following words have the meanings indicated.

24 (i) "Program" means the Maryland Medical Assistance Program.

1 15-105.

2 (a) IN THIS SECTION, "DUAL ELIGIBILITY" MEANS SIMULTANEOUS  
3 ELIGIBILITY FOR HEALTH INSURANCE COVERAGE UNDER BOTH THE PROGRAM AND  
4 MEDICARE.

5 (B) The Department shall adopt rules and regulations for the reimbursement  
6 of providers under the Program. However, except for an invoice that must be  
7 submitted to a Medicare intermediary or Medicare carrier for an individual [who may  
8 have both Medicare and Medicaid coverage] WITH DUAL ELIGIBILITY, payment may  
9 not be made for an invoice that is received more than 1 year after the dates of the  
10 services given.

11 [(b)] (C) A provider who fails to submit an invoice within the required time  
12 may not recover the amount later from the Program recipient.

13 [(c)] (D) (1) The Department shall adopt regulations for the reimbursement  
14 of specialty outpatient treatment and diagnostic services rendered to Program  
15 recipients at a freestanding clinic owned and operated by a hospital that is under a  
16 capitation agreement approved by the Health Services Cost Review Commission.

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

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

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

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

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

33 (E) (1) IN THIS SUBSECTION, "PROVIDER" MEANS A COMMUNITY-BASED  
34 PROGRAM OR AN INDIVIDUAL HEALTH CARE PRACTITIONER PROVIDING  
35 OUTPATIENT MENTAL HEALTH TREATMENT.

36 (2) FOR AN INDIVIDUAL WITH DUAL ELIGIBILITY, THE PROGRAM SHALL  
37 REIMBURSE A PROVIDER THE ENTIRE AMOUNT OF THE PROGRAM FEE FOR

1 OUTPATIENT MENTAL HEALTH TREATMENT, INCLUDING ANY AMOUNT ORDINARILY  
2 WITHHELD AS A PSYCHIATRIC EXCLUSION AND ANY COPAYMENT NOT COVERED  
3 UNDER MEDICARE.

4 [(d)] (F) This section has no effect if its operation would cause this State to  
5 lose any federal funds.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
7 effect July 1, 2003.