

HOUSE BILL 1217

J1

6lr2432
CF SB 899

By: **Delegates Sample–Hughes, Angel, Cullison, Hayes, Haynes, Hill, Jacobs, Kelly, Krimm, Lam, Oaks, Otto, Patterson, Reznik, Tarlau, and Turner**

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Specialty Mental Health and Substance**
3 **Use Disorder Services – Parity**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
5 regulations to ensure that the Maryland Medical Assistance Program is in
6 compliance with certain federal laws; requiring the regulations to include standards
7 regarding treatment limitations for specialty mental health and substance use
8 disorder services that comply with the federal laws and relate to certain items;
9 providing that the treatment limitations comply with the federal laws if certain
10 factors used in applying a treatment limitation meet certain requirements for
11 medical and surgical services; and generally relating to the Maryland Medical
12 Assistance Program and compliance with federal laws relating to specialty mental
13 health and substance use disorder services.

14 BY adding to

15 Article – Health – General
16 Section 15–103.6
17 Annotated Code of Maryland
18 (2015 Replacement Volume)

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

21 **Article – Health – General**

22 **15–103.6.**

23 **(A) ON OR BEFORE JUNE 30, 2017, THE DEPARTMENT SHALL ADOPT**
24 **REGULATIONS TO ENSURE THE PROGRAM IS IN COMPLIANCE WITH THE FEDERAL**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL**
2 **PATIENT PROTECTION AND AFFORDABLE CARE ACT.**

3 **(B) THE REGULATIONS SHALL INCLUDE STANDARDS REGARDING**
4 **TREATMENT LIMITATIONS FOR SPECIALTY MENTAL HEALTH AND SUBSTANCE USE**
5 **DISORDER SERVICES THAT COMPLY WITH THE FEDERAL MENTAL HEALTH PARITY**
6 **AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT PROTECTION AND**
7 **AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH CARE AND**
8 **EDUCATION RECONCILIATION ACT OF 2010, AND RELATE TO:**

9 **(1) THE SCOPE OF BENEFITS FOR:**

10 **(I) TELEHEALTH SERVICES; AND**

11 **(II) RESIDENTIAL TREATMENT PROGRAMS THAT ARE NOT**
12 **INSTITUTIONS FOR MENTAL DISEASE;**

13 **(2) SERVICE NOTIFICATION AND AUTHORIZATION REQUIREMENTS;**

14 **(3) LICENSED SPECIALTY MENTAL HEALTH OR SUBSTANCE USE**
15 **DISORDER PROGRAM BILLING FOR:**

16 **(I) SERVICES PROVIDED BY PHYSICIANS, ADVANCED PRACTICE**
17 **NURSES, AND PHYSICIAN ASSISTANTS;**

18 **(II) SERVICES PROVIDED BY A LICENSED SPECIALTY MENTAL**
19 **HEALTH OR SUBSTANCE USE DISORDER PROGRAM AT A LOCATION THAT IS NOT THE**
20 **PRIMARY LOCATION AT WHICH THE PROGRAM IS LICENSED; AND**

21 **(III) SEPARATE LEVELS OF SERVICE PROVIDED WITHIN A SINGLE**
22 **DAY OR WEEK; AND**

23 **(4) REIMBURSEMENT RATES.**

24 **(C) THE TREATMENT LIMITATIONS FOR SPECIALTY MENTAL HEALTH AND**
25 **SUBSTANCE USE DISORDER SERVICES COMPLY WITH THE FEDERAL MENTAL**
26 **HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT**
27 **PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH**
28 **CARE AND EDUCATION RECONCILIATION ACT OF 2010, IF THE OPERABLE**
29 **PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN**
30 **APPLYING A TREATMENT LIMITATION TO SPECIALTY MENTAL HEALTH OR**
31 **SUBSTANCE USE DISORDER SERVICES, AS WRITTEN AND APPLIED, ARE**
32 **COMPARABLE TO AND NO MORE RESTRICTIVE THAN, AND ARE APPLIED NO MORE**

1 **STRINGENTLY THAN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR**
2 **OTHER FACTORS USED IN APPLYING THE TREATMENT LIMITATION TO MEDICAL AND**
3 **SURGICAL SERVICES.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2016.