



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

February 14, 2023

The Honorable Joseline A. Peña-Melnyk  
Chair, House Health and Government Operations Committee  
Room 241, House Office Building  
Annapolis, Maryland 21401

**RE: HB 82 – Maryland Medical Assistance and Children’s Health Insurance Programs  
School Based Behavioral Health Services Reimbursement – Letter of Information**

Dear Chair Peña-Melnyk and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information on House Bill (HB) 82. This bill will require MDH to amend its State Plan with the Centers for Medicare and Medicaid Services (CMS) by December 1, 2023 to reimburse for behavioral health services delivered in a school setting by certain school-based providers to the extent permitted by federal and state law. This coverage will extend beyond the services required under a student’s individualized education program or individualized family service plan. HB 82 will also require MDH to seek authorization for administrative claiming of Medicaid and Children’s Health Insurance Program services delivered in schools.

A 2018 report published by the U.S. Department of Health and Human Services outlined the audit risks associated with administrative service claiming.<sup>1</sup> In August 2022, CMS indicated that guidance on administrative claiming is forthcoming.<sup>2</sup> Until this guidance is released, it is not feasible for MDH to accurately assess the feasibility, cost, potential savings, or timeline to implement an administrative claiming program. Additionally, MDH notes that one of the duties of the Maryland Consortium on Coordinated Community Supports is to develop a model for expanding available behavioral health services and supports to all students through the maximization of public funding through the Maryland Medical Assistance Program, including billing for Program Administrative costs, or other public sources.<sup>3</sup> The Consortium continues to review and assess the next steps.

Lastly, federal guidance mandates that school-based providers and professionals must have the same credentials as those held by a community provider, in addition to meeting other record keeping requirements, to be eligible for reimbursement through Medicaid. Given this

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<sup>1</sup> <https://oig.hhs.gov/oas/reports/region7/71804107.pdf>, for additional information see, [https://dlslibrary.state.md.us/publications/JCR/2020/2020\\_170\(b\).pdf](https://dlslibrary.state.md.us/publications/JCR/2020/2020_170(b).pdf)

<sup>2</sup> <https://www.medicaid.gov/federal-policy-guidance/downloads/sbscib081820222.pdf>

<sup>3</sup> The Blueprint for Maryland’s Future, Chapter 36 of the Acts of 2021 created a new Maryland Consortium on Coordinated Community Supports to help meet student behavioral health needs and other related challenges in a holistic, non-stigmatized manner.

requirement, certain provider types included in the bill language would not be eligible for reimbursement, such as school psychologists who are currently not required to meet the state's licensing, certification, or other applicable qualifying criteria.

If you have any questions, please contact Megan Peters, Acting Director of Governmental Affairs, at [megan.peters@maryland.gov](mailto:megan.peters@maryland.gov) or (410) 260-3190.

Sincerely,

A handwritten signature in blue ink, appearing to read "LH Scott". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Laura Herrera Scott, M.D., M.P.H.  
Acting Secretary