

MARYLAND REGISTER

Proposed Action on Regulations	
Date Filed with AELR Committee May 30, 2023	Date Filed with Division of State Documents
	Document Number 23-120-P
	Date of Publication in MD Register

1. Desired date of publication in Maryland Register: July 14, 2023

2. COMAR Codification

Title	Subtitle	Chapter	Regulation
10	67	08	02

3. Promulgating Authority

Maryland Department of Health

4. Name of Regulations Coordinator

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6. Check applicable items:

- | | |
|-------------------------------------|--|
| <input type="checkbox"/> | New Regulations |
| <input checked="" type="checkbox"/> | Amendments to Existing Regulations |
| <input type="checkbox"/> | Repeal of Existing Regulations |
| <input type="checkbox"/> | Recodification |
| <input type="checkbox"/> | Incorporation by Reference of Documents Requiring DSD Approval |

7. Is there Emergency text that is identical to this Proposal:

Yes No

8. Incorporation by Reference

- Incorporation by Reference (IBR) approval form(s) attached and 16 copies of documents proposed for incorporation submitted to DSD. (Submit 16 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Nicole Lugo Clark, Assistant Attorney General, telephone #410-767-5292, on September 27, 2022. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Laura Herrera Scott

Title

Secretary of Health

Telephone No.

410-767-6500

Date

May 19, 2023

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 67 MARYLAND HEALTHCHOICE PROGRAM

10.67.08 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

Notice of Proposed Action

[23-120-P]

The Secretary of Health proposes to:

amend Regulation .02 under COMAR 10.67.08 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services.

Statement of Purpose

- The purpose of the proposed action is to:
- (1) Update the list of behavioral health diagnosis codes to reflect the addition of new International Classification of Diseases, 10th Revision (ICD-10) diagnosis codes;
 - (2) Remove the mental health and substance use disorder diagnosis code tables for dates of service before October 1, 2015;
 - (3) Update the current revenue codes included in the behavioral health carve out;
 - (4) Carve out the new peer recovery support services and behavioral health crisis services; and
 - (5) Correct COMAR references.

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 Jourdan Green, 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. Comments will be accepted through August 14, 2023. A public hearing has not been scheduled.

LAURA HERRERA SCOTT
Secretary of Health

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: **FY 2024**

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

undefined

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

N/A

E. If these regulations have no economic impact under Part A, indicate reason briefly:

These regulations have no economic impact because they do not add or change reimbursement procedures for providers under this chapter, and instead updates covered ICD-10 diagnoses and the procedure codes used to reimburse providers under the carve out. The impact of new procedure codes will be addressed in future proposals for COMAR 10.09.16 and 10.09.80.

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

Given that these regulations have no economic impact on providers, there is no economic impact on small businesses.

G. Small Business Worksheet:

N/A

Title 10

MARYLAND DEPARTMENT OF HEALTH

Subtitle 67 MARYLAND HEALTHCHOICE PROGRAM

10.67.08 Maryland Medicaid Managed Care Program: Non-Capitated Covered Services

Authority: Health-General Article, §§2-104(b), 15-103, and 15-105, Annotated Code of Maryland

.02 Behavioral Health Non-Capitated Covered Services.

A. An MCO is not responsible for reimbursing for the following substance use disorder services, regardless of diagnosis:

(1) Services delivered by a community-based provider as described in COMAR 10.09.80 with the following procedure codes:

H0001– H0020	(text unchanged)
H0024	<i>Group peer recovery support services</i>
H0038	<i>Individual peer recovery support services</i>
H0047– Q9992	(text unchanged)

(2) (text unchanged)

B.—C. (text unchanged)

D. An MCO is not responsible for reimbursing for the following substance use disorder services if the MCO is billed with a primary diagnosis listed in §[K] M of this regulation:

(1) Services delivered by an inpatient hospital with the following revenue codes:

0114— 0156	(text unchanged)
0169	<i>Administrative Days</i>
0762	(text unchanged)

(2)—(3) (text unchanged)

E. An MCO is not responsible for reimbursing for mental health services with a primary diagnosis listed in §[M]N of this regulation when the services are provided by a hospital and the services are the result of the treatment of mental health diagnosis.

F.—G. (text unchanged)

H. An MCO is not responsible for reimbursing the behavioral poisoning diagnoses listed in §[O]P of this regulation in an emergency department setting.

I. An MCO is not responsible for services billed by specialty mental health providers listed in COMAR 10.09.59 when the bill includes the specialty behavioral health diagnoses listed in §[L or M]M or N in the primary diagnosis field.

J. An MCO is not responsible for reimbursement of behavioral health crisis services as described in COMAR 10.09.16.

[J.] K.—[K.] L. (text unchanged)

[L.] M. Table of substance use disorder diagnoses, for dates of service on or after October 1, 2015:

[(1)] (table proposed for repeal)

[(2)] For dates of service on or after October 1, 2015:]

F1010— F1029	(text unchanged)
F1090	<i>Alcohol use, unspecified, uncomplicated</i>
F1091	<i>Alcohol use, unspecified, in remission</i>
F10920— F1190	(text unchanged)
F1191	<i>Opioid use, unspecified, in remission</i>
F11920— F1290	(text unchanged)
F1291	<i>Cannabis use, unspecified, in remission</i>
F12920— F1390	(text unchanged)
F1391	<i>Sedative, hypnotic, or anxiolytic use, unspecified, in remission</i>
F13920— F1490	(text unchanged)
F1491	<i>Cocaine use, unspecified, in remission</i>
F14920— F1590	(text unchanged)
F1591	<i>Other stimulant use, unspecified, in remission</i>
F15920— F1690	(text unchanged)

F1691	<i>Hallucinogen use, unspecified, in remission</i>
F16920— F1890	(text unchanged)
F1891	<i>Inhalant use, unspecified, in remission</i>
F18920— F1990	(text unchanged)
F1991	<i>Other psychoactive substance use, unspecified, in remission</i>
F19920— R785	(text unchanged)

[M.] N. Table of mental health diagnoses, for dates of service on or after October 1, 2015:

[(1)] (table proposed for repeal)

[(2)] For dates of service on or after October 1, 2015:]

F200—F319	(text unchanged)
F32A	<i>Depression, unspecified</i>
F320— F4329	(text unchanged)
F4381	<i>Prolonged grief disorder</i>
[F438]F4389	Other reactions to severe stress
F439—G259	(text unchanged)
[R457	State of emotional shock and stress, unspecified
R45850	Homicidal ideations
R45851	Suicidal ideations]
O99340— O99345	(text unchanged)
R457	<i>State of emotional shock and stress, unspecified</i>
R45850	<i>Homicidal ideations</i>
R45851	<i>Suicidal ideations</i>
T1491XA	<i>Suicide attempt, initial</i>
Z046	(text unchanged)

[N.] O. (text unchanged)

[O.] P. Table of poisoning diagnoses, for dates of service on or after July 1, 2016:

T360X2A— T3992XA	(text unchanged)
T400X1A	<i>Poisoning by opium, accidental (unintentional), initial encounter</i>
T400X2A	(text unchanged)
T401X1A	<i>Poisoning by heroin, accidental (unintentional), initial encounter</i>
T401X2A	(text unchanged)
T402X1A	<i>Poisoning by other opioids, accidental (unintentional), initial encounter</i>

T402X2A	(text unchanged)
T403X1A	<i>Poisoning by methadone, accidental (unintentional), initial encounter</i>
T403X2A	(text unchanged)
T40411A	<i>Poisoning by fentanyl or fentanyl analogs, accidental (unintentional), initial encounter</i>
T40412A	(text unchanged)
T40421A	<i>Poisoning by tramadol, accidental (unintentional), initial encounter</i>
T40422A	(text unchanged)
T40491A	<i>Poisoning by other synthetic narcotics, accidental (unintentional), initial encounter</i>
T40492A	(text unchanged)
T405X1A	<i>Poisoning by cocaine, accidental (unintentional), initial encounter</i>
T405X2A	(text unchanged)
T40601A	<i>Poisoning by unspecified narcotics, accidental (unintentional), initial encounter</i>
T40602A	(text unchanged)
T40691A	<i>Poisoning by unspecified narcotics, accidental (unintentional), initial encounter</i>
T40692A	(text unchanged)
T40711A	<i>Poisoning by cannabis, accidental (unintentional), initial encounter</i>
T40712A	<i>Poisoning by cannabis, intentional self-harm, initial encounter</i>
T40721A	<i>Poisoning by synthetic cannabis, accidental (unintentional), initial encounter</i>
T40722A	<i>Poisoning by synthetic cannabis, intentional self-harm, initial encounter</i>
T407X1A	<i>Poisoning by cannabis (derivates), accidental (unintentional), initial encounter</i>
T407X2A	(text unchanged)
T408X1A	<i>Poisoning by lysergide [LSD], accidental (unintentional), initial encounter</i>
T408X2A	(text unchanged)
T40901A	<i>Poisoning by unspecified psychodysleptics [hallucinogens], accidental (unintentional), initial encounter</i>
T40902A	(text unchanged)
T40991A	<i>Poisoning by other psychodysleptics [hallucinogens], accidental (unintentional), initial encounter</i>
T40992A— T422X2A	(text unchanged)
T423X1A	<i>Poisoning by barbiturates, accidental (unintentional), initial encounter</i>
T423X2A	(text unchanged)
T424X1A	<i>Poisoning by benzodiazepines, accidental (unintentional), initial encounter</i>

T424X2A— T43592A	(text unchanged)
T43601A	<i>Poisoning by unspecified psychostimulants, accidental (unintentional), initial encounter</i>
T43602A— T43612A	(text unchanged)
T43621A	<i>Poisoning by amphetamines, accidental (unintentional), initial encounter</i>
T43622A	(text unchanged)
T43631A	<i>Poisoning by methylphenidate, accidental (unintentional), initial encounter</i>
T43632A	(text unchanged)
T43641A	<i>Poisoning by ecstasy, accidental (unintentional), initial encounter</i>
T43651A	<i>Poisoning by methamphetamines, accidental (unintentional), initial encounter</i>
T43652A	<i>Poisoning by methamphetamines, intentional self-harm, intentional encounter</i>
T43692A— T506X2A	(text unchanged)
T507X1A	<i>Poisoning by analeptics and opioid receptor antagonists, accidental (unintentional), initial encounter</i>
T507X2A— T50902A	(text unchanged)
T50912A	<i>Poisoning by multiple unspecified drugs, medications and biological substances, intentional self-harm, initial self-harm, initial encounter</i>
T50992A	(text unchanged)

Laura Herrera-Scott
Secretary of Health