



MARYLAND Department of Health

PT 22-18

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM Hospital Transmittal No.256 MCO Transmittal No. 125 March 12, 2018

TO: Acute Care Hospitals
Managed Care Organizations

FROM: Susan J. Tucker, Executive Director, Office of Health Services

RE: Clarification of MCO Coverage of Emergency, Post-Stabilization, and Ancillary Services

NOTE: Please ensure that the appropriate staff members in your organization are informed of the content of this transmittal.

The purpose of this transmittal is to clarify the Department’s policy regarding coverage of emergency room care, post-stabilization care, and ancillary services provided during emergency room or post-stabilization care. The Department’s policy aligns with the federal requirements outlined in 42 CFR § 438.114 and 42 CFR § 422.113.

COMAR 10.09.65.20B(2) requires MCOs to reimburse hospital emergency facilities and providers for medical screening services rendered to meet the requirements of the federal Emergency Medical Treatment and Active Labor Act (EMTALA).

As the federal regulations specify, MCOs may not place requirements that are administratively burdensome on the hospital facility or provider to receive reimbursement for medically necessary diagnostic services to determine the presence or absence of an emergency condition. Examples of administratively burdensome requirements include:

- MCOs may not deny all billed ancillary services associated with screening in the original emergency room or post-stabilization claim and then subsequently require providers to file an appeal for reimbursement for ancillary services (COMAR 10.09.66.08F-G, 10.09.67.07H).
- MCOs also may not deny ancillary or screening services in the emergency room based on denial of post-stabilization care (COMAR 10.09.65.20B(2)).

- For EMTALA-related charges, MCOs may not issue a denial based on the provider's final diagnosis instead of using the prudent layperson criteria for emergency medical conditions based on the presenting symptoms (42 CFR § 438.114(a)).

MCOs may require the facility to submit medical records to make a determination of the medical necessity for ancillary services. MCOs must permit the hospital emergency facility to submit the medical records with the original claim.

If you have any questions, please contact Dr. Tiffany Wedlake, Managed Care Medical Director, at (410) 767-6250 or tiffany.wedlake@maryland.gov.