



STATE OF MARYLAND

DHMH

PT 1-05

Office of Health Services
Medical Care Programs

Maryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201

Robert L. Ehrlich, Jr., Governor – Michael S. Steele, Lt. Governor – Nelson J. Sabatini, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM
Managed Care Organization Transmittal No. 56

July 28, 2004

TO: Managed Care Organizations

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

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

RE: Emergency and Proposed Amendment to HealthChoice Regulations

ACTION:
Emergency Regulations
Proposed Regulations

EFFECTIVE DATE:
Requested July 1, 2004 effective date

WRITTEN COMMENTS TO:
Michele Phinney
201 W. Preston St., Rm. 538
Baltimore, MD 21201
Fax (410) 767-6483 or call
(410) 767-6499 or
1-877-4MD-DHMH extension 6483

PROGRAM CONTACT:
James Gardner, Chief
Division of HealthChoice Management and
Quality Assurance
(410) 767-1482 or call
1-877-4MD-DHMH extension 1482

COMMENT PERIOD EXPIRES: August 23, 2004

The Maryland Medical Assistance Program is promulgating emergency and proposed amendments to Regulation .01 under COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment; amend Regulation .19 under COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations; and amend Regulations .06 and .27 under COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits.

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These amendments will:

1. Remove the 6 month eligibility guarantee for HealthChoice enrollees as required by the Maryland Legislature;
2. Establish new MCO rates to include the sunset of a cost containment initiative which was enacted in fiscal year 2004; and
3. Add new language to clarify the Orthodontic care criteria.

A copy of these amendments as published in the July 23, 2004 Maryland Register is attached to this transmittal.

Attachment

Opportunity for Public Comment

Comments may be submitted to Debbie Stone, Regulations Coordinator, Department of Labor, Licensing, and Regulation, Division of Labor and Industry, 1100 North Eutaw Street, Room 606, Baltimore, Maryland 21201, or call (410) 767-2225, or fax to (410) 767-2220, or email to Stone.Debbie@dol.gov. Comments must be received not later than August 23, 2004. No public hearing has been scheduled.

.14 Inspection Intervals

A. Boilers and pressure vessels subject to this regulation do not include power boilers, or high pressure or high temperature water boilers.

B. Except as provided in §C of this regulation, boilers and pressure vessels shall receive a certificate inspection biennially.

C. Boilers and pressure vessels that are part of an amusement attraction, as defined by Business Regulation Article, §3-101(b), Annotated Code of Maryland, shall receive a certificate inspection annually.

CHERYL KAMMERMAN

Acting Commissioner of Labor and Industry

II. Types of Economic Impact.

	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)	\$2,000,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	(-)	\$2,000,000

II. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. and F. The removal of the 6 month eligibility guarantee will decrease the Department's expenditure and increase certain individuals' costs by \$2,000,000 from January 2005 — July 2005.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Regulations Coordinator, Department of Health and Mental Hygiene, Room 521, 201 West Preston Street, Baltimore, Maryland 21201, or fax to (410) 333-7687, or email to regs@dhhm.state.md.us, or call (410) 767-6499, or 1-877-4MD-DHMH, extension 6499. These comments must be received by August 23, 2004.

10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment

Authority: Health-General Article, §15-103(b)(3), (4), and (6), Annotated Code of Maryland

.01 Eligibility.

A. — B. (text unchanged)
 [C. Duration. A recipient eligible for the Maryland Medicaid Managed Care Program is guaranteed Medicaid eligibility for a period of 6 months from the initial effective date of each Medicaid eligibility period in any eligibility category, with the exception of:

- (1) Pregnant women in the Pregnant Women and Children's Program, who are guaranteed eligibility for the duration of the pregnancy and 2 months postpartum;
- (2) Individuals who possess private health insurance or obtain health insurance through another source;
- (3) Inmates of public institutions; and
- (4) Children younger than 19 years old with income greater than 185 percent but less than 300 percent of federal poverty level enrolled in Maryland Children's Health Program.]

**Title 10
DEPARTMENT OF
HEALTH AND MENTAL HYGIENE**

Subtitle 09 MEDICAL CARE PROGRAMS

Notice of Proposed Action

[04-182-P]

The Secretary of Health and Mental Hygiene proposes to amend:

(1) Regulation .01 under COMAR 10.09.63 **Maryland Medicaid Managed Care Program: Eligibility and Enrollment;**

(2) Regulation .19 under COMAR 10.09.65 **Maryland Medicaid Managed Care Program: Managed Care Organizations;** and

(3) Regulations .06 and .27 under COMAR 10.09.67 **Maryland Medicaid Managed Care Program: Benefits.**

Statement of Purpose

The purpose of this action is to remove the 6 month eligibility guarantee for HealthChoice enrollees as required by the Maryland General Assembly, to add new language to clarify the orthodontic care criteria, and to increase the MCO payment rates effective July 1, 2004.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The changes will have a positive impact on the Department and a negative impact on certain members of the public. (The impact of the rate increase, which is in effect only from July 1 through December 31, 2004, is reflected in the emergency regulations.)

10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations

Authority: Health-General Article, §15-103(e),
Annotated Code of Maryland

- (1) — (3) (text unchanged)
(4) The Department shall make capitation payments monthly at the rates specified in the following tables:
(a) — (b) (tables proposed for repeal)

19 MCO Reimbursement.

- A. (text unchanged)
B. Capitation Rate-Setting Methodology.

(a) Rate Table for Families and Children

Effective July 1, 2004 — December 31, 2004.

Demographic Cells	Age	Gender	PMPM Baltimore City	PMPM Rest of State
	Under			
	Age 1	Both	\$291.78	\$240.01
	1-5	Male	\$143.35	\$117.92
		Female	\$124.28	\$102.23
	6-14	Male	\$90.40	\$74.36
		Female	\$80.41	\$66.14
	15-20	Male	\$108.69	\$89.41
		Female	\$184.26	\$151.57
	21-44	Male	\$300.13	\$246.89
		Female	\$277.83	\$228.54
	45-64	Male	\$819.38	\$674.01
		Female	\$578.82	\$476.13
ACG-adjusted cells	RAC1	Both	\$78.68	\$67.17
ACG 100, 200, 300, 500, 600, 1100, 1600, 2000, 2400, 3400, 5110, 5200	RAC2	Both	\$105.22	\$89.83
ACG 400, 700, 900, 1000, 1200, 1300, 1710, 1800, 1900, 2100, 2200, 2300, 2800, 2900, 3000, 3100, 5310	RAC3	Both	\$132.41	\$113.03
ACG 1720, 1730, 2500, 3200, 3300, 3500, 3800, 4210, 5320, 5339	RAC4	Both	\$221.99	\$189.51
ACG 800, 1740, 1750, 2700, 3600, 3700, 3900, 4000, 4100, 4220, 4310, 4410, 4510, 4610, 4710, 4720, 4810, 5340	RAC5	Both	\$301.88	\$257.71
ACG 1400, 1500, 1760, 1770, 2600, 4320, 4520, 4620, 4820	RAC6	Both	\$494.27	\$421.94
ACG 4330, 4420, 4830, 4910, 4920, 5010, 5020, 5040	RAC7	Both	\$632.39	\$539.85
ACG 4430, 4730, 4930, 5030, 5050	RAC8	Both	\$968.74	\$826.98
ACG 4940, 5060	RAC9	Both	\$1,443.66	\$1,232.41
ACG 5070			\$518.67	\$426.66
SOBRA Mothers			\$11,118.76	\$9,146.21
Delivery/Newborn			\$651.89	\$651.89
Persons with HIV	All	Both		

(b) Rate Table for Disabled Individuals.

July 1, 2004 — December 31, 2004

Demographic Cells	Age	Gender	PMPM Baltimore City	PMPM Rest of State
	Under			
	Age 1	Both	\$1,800.95	\$1,800.95
	1-5	Male	\$612.69	\$612.69
		Female	\$659.71	\$659.71
	6-14	Male	\$215.53	\$215.53
		Female	\$297.84	\$297.84
	15-20	Male	\$289.50	\$289.50
		Female	\$324.13	\$324.13

	Age	Gender	PMPM Baltimore City	PMPM Rest of State
ACG - adjusted cells	21-44	Male	\$933.17	\$767.61
		Female	\$942.40	\$775.21
ACG 100, 200, 300, 1100, 1300, 1400, 1500, 1600, 1710, 1720, 1730, 1900, 2400, 2600, 2900, 3400, 5110, 5200, 5310	45-64	Male	\$1,201.88	\$988.66
		Female	\$1,161.96	\$955.82
ACG 400, 500, 700, 900, 1000, 1200, 1740, 1750, 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330	RAC10	Both	\$212.96	\$181.79
ACG 400, 500, 700, 900, 1000, 1200, 1740, 1750, 1800, 2000, 2100, 2200, 2300, 2500, 2700, 2800, 3000, 3100, 3200, 3300, 3500, 3900, 4000, 4310, 5330	RAC11	Both	\$321.42	\$274.38
ACG 600, 1760, 3600, 3700, 4100, 4320, 4410, 4710, 4810, 4820	RAC12	Both	\$595.74	\$508.57
ACG 3800, 4210, 4220, 4330, 4420, 4720, 4910, 5320	RAC13	Both	\$694.82	\$593.15
ACG 800, 4430, 4510, 4610, 5040, 5340	RAC14	Both	\$922.10	\$787.16
ACG 1770, 4520, 4620, 4830, 4920, 5050	RAC15	Both	\$1,053.30	\$899.17
ACG 4730, 4930, 5010	RAC16	Both	\$1,358.39	\$1,159.61
ACG 4940, 5020, 5060	RAC17	Both	\$1,849.83	\$1,579.14
ACG 5030, 5070	RAC18	Both	\$2,427.88	\$2,072.60
Persons with AIDS	All	Both	\$2,967.94	\$2,645.92
Persons with HIV	All	Both	\$1,713.47	\$1,713.47

- (c) — (e) (text unchanged)
- (5) (text unchanged)
- C. — D. (text unchanged)

10.09.67 Maryland Medicaid Managed Care Program: Benefits

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

.06 Dental Services.

A. An MCO shall provide medically necessary dental services for its enrollees who are younger than 21 years old, including but not limited to:

- (1) — (3) (text unchanged)
- (4) Orthodontic care [when the condition causes dysfunction and the] *for conditions which have adjusted case scores of at least 15 points on the Handicapping Labio-Lingual Deviations Index (HLD) Table No. 4, [and]*
- (5) *Conditions specified under §A(4) of this regulation which cause dysfunction due to a handicapping malocclusion that is supported by comprehensive pretreatment orthodontic records, which include at a minimum:*

- (a) *Upper and lower study models;*
- (b) *Cephalometric head film with analysis;*
- (c) *Panoramic or full series periapical radiographs;*
- (d) *Extra-oral and intra-oral photographs;*
- (e) *Clinical summary with diagnosis;*
- (f) *HLD score sheets from attending orthodontist; and*
- (g) *Treatment plan; and*

- [(5)] (6) (text unchanged)
- B. (text unchanged)

.27 Benefits — Limitations.

- A. (text unchanged)
- B. The benefits or services not required to be provided under §A of this regulation are as follows:
 - (1) — (26) (text unchanged)
 - (27) Orthodontic care [except when:

- (a) The enrollee is younger than 21 years old;
- (b) The case scores at least 15 points on the Handicapping Labio-Lingual Deviations Index No. 4; and
- (c) The condition causes dysfunction] *for adults 21 years old or older;*
- (28) — (41) (text unchanged)

NELSON J. SABATINI
Secretary of Health and Mental Hygiene

Subtitle 18 HUMAN IMMUNODEFICIENCY VIRUS (HIV) INFECTION AND ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS)

Notice of Proposed Action
[04-206-P]

The Secretary of Health and Mental Hygiene proposes to:

- (1) Amend Regulations .03 and .05 under COMAR 10.18.05 Maryland AIDS Drug Assistance Program: Eligibility;
- (2) Amend Regulation .01, repeal existing Regulation .04, and adopt new Regulations .04, .04-1, and .04-2 under COMAR 10.18.06 Maryland AIDS Drug Assistance Program: Services; and
- (3) Amend Regulation .04 under COMAR 10.18.07 Maryland AIDS Drug Assistance Program: Health Insurance Project (MADAP-Plus).

Statement of Purpose

The purpose of this action is to remove the drug list from regulation and replace it with a formulary as recommended by the April 2004 Joint Chairman's Report of the Maryland General Assembly, and to change the financial eligibility criteria from 400 percent to 500 percent of the federal poverty guidelines.