



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

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM
Managed Care Organization Transmittal No. 78
April 19, 2010

TO: Managed Care Organizations

FROM: Susan Tucker, Executive Director
Office of Health Services

Susan Tucker

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

RE: Amendments to HealthChoice and PAC Regulations

The Maryland Medical Assistance Program had adopted as proposed amendments to COMAR 10.09.62 Maryland Medicaid Managed Care Program: Definitions; COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment; COMAR 10.09.64 Maryland Medicaid Managed Care Program: MCO Application; COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations; COMAR 10.09.66 Maryland Medicaid Managed Care Program: Access; COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits; COMAR 10.09.71 Maryland Medicaid Managed Care Program: MCO Dispute Resolution Procedures; COMAR 10.09.75 Maryland Medicaid Managed Care Program: Corrective Managed Care and COMAR 10.09.76 Primary Adult Care. The amendments were published in the April 9, 2010 issue of the Maryland Register and are effective April 19, 2010.

These amendments:

- 1) Remove references to dental services, as dental was carved out effective 7/1/09;
- 2) Allow HealthChoice enrollees to access certain substance abuse services on a self-referred basis;
- 3) Update MCO stop loss criteria;
- 4) Remove the annual reporting requirement that MCOs submit services incurred for the period of January 1 – March 31;
- 5) Add substance abuse as benefit, including access to certain services on a self-referred, basis, under the PAC program;
- 6) Change the timeframe to appeal enrollment in corrective managed care to 30 days; and
- 7) Add emergency department facility services to PAC benefits.

Questions regarding this amendment should be directed to the Division of HealthChoice Management and Quality Assurance at (410) 767-1482.

Attachment

Subtitle 09 MEDICAL CARE PROGRAMS**Notice of Final Action**

[09-396-F]

On March 29, 2010, the Secretary of Health and Mental Hygiene adopted amendments to:

- (1) Regulations .07 — .09 under **COMAR 10.09.11 Maryland Children's Health Program**;
- (2) Regulations .04 and .07 under **COMAR 10.09.24 Medical Assistance Eligibility**; and
- (3) Regulation .12 under **COMAR 10.09.60 Primary Adult Care Program — Eligibility**.

This action, which was proposed for adoption in 36:26 Md. R. 2026 — 2031 (December 18, 2009), has been adopted as proposed.

Effective Date: April 19, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS**10.09.12 Disposable Medical Supplies and Durable Medical Equipment**

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

Notice of Final Action

[10-039-F]

On March 29, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .04, .05, and .07 under **COMAR 10.09.12 Disposable Medical Supplies and Durable Medical Equipment**. This action, which was proposed for adoption in 37:3 Md. R. 194 — 196 (January 29, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: April 19, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

Regulation .04A(5) and (9): The amendments are clarifying in nature in that a formatting error has been corrected and the broader language is consistent with the augmentative communication devices the Department is providing.

.04 Covered Services.

A. The following medically necessary items are covered when ordered by a prescriber:

- (1) — (4) (proposed text unchanged)
- (5) Prosthetic devices which include:
 - (a) (proposed text unchanged)
 - (b) Breast prostheses, including surgical brassiere, **[[[]]]** and **[[[]]]**
 - (c) Upper and lower extremity, full and partial, to include stump cover or harnesses where necessary**[[; and]]** **[[d) Speech generating devices for recipients enrolled under fee-for-service or a Managed Care Organization]].**
 - (6) (proposed text unchanged)
 - (7) Individually form-fitted support stockings, leg or arm, including all fitting, dispensing, and follow-up care, for recipients for whom these supports are medically necessary,

not to exceed two at one time, three times in a 12-month period for recipients 21 years old or older; **[[and]]**

(8) Evaluation for equipment that was subsequently provided through the Department's recycling program as described in Regulation .070 of this chapter; and

(9) Speech generating, augmentative, and alternative communication devices for recipients enrolled under fee-for-service or a Managed Care Organization.

B. — F. (proposed text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS**10.09.56 Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder**

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-130, Annotated Code of Maryland

Notice of Final Action

[10-071-F]

On March 29, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .02 — .08, .14, .15, .17, .18, .21, and .22, the repeal of existing Regulations .10 and .19, and new Regulations .10 and .19 under **COMAR 10.09.56 Home and Community-Based Services Waiver for Children with Autism Spectrum Disorder**. This action, which was proposed for adoption in 37:3 Md. R. 198 — 201 (January 29, 2010), has been adopted as proposed.

Effective Date: April 19, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 09 MEDICAL CARE PROGRAMS**Notice of Final Action**

[10-027-F]

On March 29, 2010, the Secretary of Health and Mental Hygiene adopted:

- (1) Amendments to Regulation .01 under **COMAR 10.09.62 Maryland Medicaid Managed Care Program: Definitions**;
- (2) Amendments to Regulations .01 and .06 under **COMAR 10.09.63 Maryland Medicaid Managed Care Program: Eligibility and Enrollment**;
- (3) The repeal of existing Regulation .08 and amendments to Regulation .09 under **COMAR 10.09.64 Maryland Medicaid Managed Care Program: MCO Application**;
- (4) Amendments to Regulations .03, .08, .11, .15, .19-5, .20, and .21 and the repeal of existing Regulation .24 under **COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**;
- (5) Amendments to Regulations .04 — .07 under **COMAR 10.09.66 Maryland Medicaid Managed Care Program: Access**;
- (6) Amendments to Regulations .03, .04, .10, .21, .27, and .28 and the repeal of existing Regulation .06 under **COMAR 10.09.67 Maryland Medicaid Managed Care Program: Benefits**;

(7) Amendments to Regulation .02 under COMAR 10.09.71 Maryland Medicaid Managed Care Program: MCO Dispute Resolution;

(8) Amendments to Regulation .04 under COMAR 10.09.75 Maryland Medicaid Managed Care Program: Corrective Managed Care; and

(9) Amendments to Regulations .10, .11, .13, .14-1, and .16 under COMAR 10.09.76 Primary Adult Care Program.

This action, which was proposed for adoption in 37:2 Md. R. 88 — 94 (January 15, 2010), has been adopted with the nonsubstantive changes shown below.

Effective Date: April 19, 2010.

Attorney General's Certification

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the basis for this conclusion are as follows:

COMAR 10.09.67.27B(32) and (35) — (37): A change in the wording to correct a typographical error is not a substantive change in the regulation.

COMAR 10.09.76.10F(1)(b) and G(1)(b): A change in the wording for consistency is not a substantive change in the regulation.

COMAR 10.09.76.13A(3): A change in the cross-reference to correct a typographical error is not a substantive change in the regulation.

10.09.67 Maryland Medicaid Managed Care Program: Benefits

Authority: Health-General Article, Title 15, Subtitle 1, Annotated Code of Maryland

.27 Benefits — Limitations.

A. (proposed text unchanged)

B. The benefits or services not required to be provided under §A of this regulation are as follows:

(1) — (31) (proposed text unchanged)

(32) Physical therapy, speech therapy, occupational therapy, ~~[[]]~~ and ~~[[]]~~ audiology services~~[[, and speech generating devices]]~~ when:

(a) — (b) (proposed text unchanged)

(33) — (34) (proposed text unchanged)

(35) Effective January 1, 2008, reimbursement to pharmacies for antiretroviral drugs in American Hospital Formulary Service therapeutic class 8:18:08 used in the treatment of HIV/AIDS will be paid directly by the Department; ~~[[and]]~~

(36) *Effective July 1, 2009, reimbursement for dental services for enrollees younger than 21 years old and pregnant women shall be paid directly by the Department; and*

(37) *Augmentative communication devices.*

10.09.76 Primary Adult Care Program

Authority: Health-General Article, §§15-101 and 15-103, Annotated Code of Maryland

.10 MCO Covered Services.

A. — E. (proposed text unchanged)

F. *Substance Abuse Services in Community-Based Substance Abuse Programs. Effective January 1, 2010, an MCO shall include:*

(1) *A comprehensive substance abuse assessment (CSAA), as described in COMAR 10.09.65.11, if the following conditions are met:*

(a) (proposed text unchanged)

(b) *The recipient has not received a self-referred CSAA in the previous 12 month period unless there is more than a 30 day break in substance abuse treatment and the patient returns to treatment;*

(c) — (d) (proposed text unchanged)

(2) (proposed text unchanged)

G. *Effective January 1, 2010, an MCO shall reimburse out-of-plan providers at the Medicaid fee-for-service rate for the following substance abuse services:*

(1) *A comprehensive substance abuse assessment (CSAA), as described in COMAR 10.09.65.11, if the following conditions are met:*

(a) (proposed text unchanged)

(b) *The recipient has not received a self-referred CSAA in the previous 12 month period unless there is more than a 30 day break in substance abuse treatment and the patient returns to treatment;*

(c) — (d) (proposed text unchanged)

(2) (proposed text unchanged)

H. — I. (proposed text unchanged)

.13 Limitations.

A. The following services are not covered:

(1) — (2) (proposed text unchanged)

(3) Services delivered in a hospital, hospital outpatient services, or ambulatory surgical center *other than those described in Regulation [[.10H]].10I of this chapter;*

(4) — (6) (proposed text unchanged)

B. — D. (proposed text unchanged)

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Subtitle 14 CANCER CONTROL

10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment

Authority: Health-General Article, §§2-102, 2-104, and 2-105, Annotated Code of Maryland

Notice of Final Action

[10-040-F]

On March 17, 2010, the Secretary of Health and Mental Hygiene adopted amendments to Regulations .01 — .07 and .09 — .16, new Regulations .21 and .22, and the recodification of existing Regulation .21 to be Regulation .23 under COMAR 10.14.02 Reimbursement for Breast and Cervical Cancer Diagnosis and Treatment. This action, which was proposed for adoption in 37:3 Md. R. 201 — 207 (January 29, 2010), has been adopted as proposed.

Effective Date: April 19, 2010.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene