



DEPARTMENT OF HEALTH

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

Daniel Tsai
Deputy Administrator and Director
Center for Medicaid and CHIP Services
Centers for Medicare and Medicaid Services
7500 Security Boulevard
Baltimore, MD 21244-1850

Dear Mr. Tsai:

The Secretary of Health is requesting an amendment to Maryland's §1115 HealthChoice demonstration to continue the Express Lane Eligibility (ELE) authority granted during the Public Health Emergency (PHE). Pursuant to Chapter 282 of the Acts of 2023 (SB26), the Department must establish an ELE program for redeterminations of individuals with Supplemental Nutrition Assistance Program (SNAP) benefits in Medicaid.

Additionally, Maryland is requesting the continuation of the waiver of the Four Walls Requirement to allow clinics to bill telehealth services at the standard rates. This waiver was granted during the PHE, and is strongly supported by the state's provider community.

The Department looks forward to working with CMS to continue these authorizations, which will increase access to care and services. Should you have any questions or concerns, please contact our Deputy Medicaid Director of Health Care Financing, Tricia Roddy, via email at tricia.rodny@maryland.gov or via telephone at (410)-767-5809.

Sincerely,



Ryan Moran, DrPH, MHSA
Deputy Secretary, Health Care Financing and Medicaid Director
Maryland Department of Health



**Maryland HealthChoice Program
§1115 Waiver Amendment**

**Submitted by the
Maryland Department of Health**

October 25, 2023

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Maryland Section §1115 Waiver Amendment Submission

Amendment Introduction and Objectives

The Maryland Department of Health (MDH) is pleased to submit this §1115 waiver amendment application for the HealthChoice program. HealthChoice, Maryland's statewide mandatory Medicaid managed care program, was implemented in July 1997 under authority of a waiver through §1115 of the Social Security Act. The initial waiver was approved for five years. In January 2002, MDH completed the first comprehensive evaluation of HealthChoice as part of the first §1115 waiver renewal. The 2002 evaluation examined HealthChoice performance by comparing service use during the program's initial years with utilization during State Fiscal Year (SFY) 1997, the final year without managed care. The Centers for Medicare and Medicaid Services (CMS) approved subsequent waiver renewals in 2005, 2007, 2010, 2013, 2016 and 2021.

This amendment would authorize MDH to establish, on a permanent basis, Express Lane Eligibility for certain adults who qualify for Medicaid based on Supplemental Nutrition Assistance Program (SNAP) verified income. Additionally, it would adopt on a permanent basis the temporary §1135 waiver granted during the national public health emergency, regarding the Four Walls Requirement for clinics.

Introduction

Express Lane Eligibility

The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) authorized states to establish express lane eligibility (ELE) to efficiently enroll eligible children in Medicaid and the Children's Health Insurance Program (CHIP). ELE permits states to rely on findings, such as income, household size, or other factors of eligibility from another program designated as an express lane agency (ELA) to facilitate enrollment in health coverage. ELAs may include SNAP, School Lunch, Temporary Assistance for Needy Families (TANF), Head Start, National School Lunch Program (NSLP), and Women, Infants, and Children (WIC), among others. A state may also use information from state income tax data to identify children in families that might qualify, so that families do not have to submit income information.

During unwinding of the continuous eligibility provisions of the Families First Coronavirus Response Act (FFCRA), Maryland received approval under §1902(e)(14)(A) of the Social Security Act to temporarily renew Medicaid eligibility for individuals who are also receiving benefits under SNAP, including both children and adults. Under this authority, the State renews Medicaid eligibility for SNAP participants using gross income as determined by SNAP without conducting a separate income determination. This temporary authority will remain in effect until April 30, 2024.

In 2023, the Maryland General Assembly passed Senate Bill 26 – Maryland Medical Assistance Program, Maryland Children's Health Program, and Workgroup on Low-Income Utility Assistance – (Chapter 282), which required MDH to establish an ELE program for redeterminations of individuals with SNAP benefits in Medicaid and the Maryland Children's Health Program (MCHP), effective January 1, 2025. The legislation requires MDH to designate SNAP as the ELA to support the program and facilitate Medicaid/MCHP eligibility redetermination.

As authorized by CHIPRA, MDH will submit a State Plan Amendment to make ELE for redeterminations of eligible children permanent. This §1115 waiver amendment is being requested to cover eligible adults for redeterminations.

Four Walls Requirement Waiver

Clinics must adhere to federal Medicaid regulations governing clinics (42 C.F.R. §440.90 - Clinic Services). Absent a waiver, Medicaid may not reimburse clinics if neither the practitioner nor patient is physically located within the clinic. This requirement applies to all freestanding clinics participating in the Maryland Medicaid program, including community-based clinics or School Based Health Clinics (SBHCs).

On August 31, 2020, CMS approved additional flexibilities to Maryland's waiver under §1135 of the Social Security Act to address challenges posed by COVID-19. CMS granted Maryland a temporary waiver of the rule requiring that either the practitioner or patient be physically located within the clinic when billing Maryland Medicaid for services. The waiver permits services provided via telehealth from clinic practitioners' homes (or another location) to be considered to provide at the clinic for purposes of 42 C.F.R. §440.90(a). Under this authority, all clinics may receive Medicaid reimbursement for services rendered if both the practitioner and the patient are in their homes for the duration of the federal government's declared public health emergency.

This §1115 waiver amendment is requesting to continue this waiver of the Four Walls Requirement and allow clinics to bill telehealth services at the standard rates.

Requested Policy Changes, Objectives, and Rationale

Express Lane Eligibility

MDH requests an amendment to the current §1115 waiver for ELE redeterminations of adults with SNAP benefits. The rationale for the request is to obtain authority for renewal purposes effective May 1, 2024, so that the State has no gap in renewal functionality after the §1902(e)(14)(A) authority expires. In addition, the amendment, in tandem with the State Plan Amendment to authorize ELE redeterminations for children, will bring Maryland Medicaid into compliance with SB 26.

Under the ELE process, eligible adults who are receiving SNAP benefits and meet Medicaid income thresholds may be automatically renewed in Medicaid, contingent on meeting other Medicaid eligibility criteria as defined by MDH. The process applies to the following population, which is a continuation of current §1902(e)(14)(A) waiver authority:

a) Adults aged 19 to 64 whose SNAP verified income is at or below 138 percent FPL

Four Walls Requirement

MDH requests an amendment to the current §1115 waiver to continue the suspension of the Four Walls Requirement which requires clinics to provide services within the four walls except for homeless populations per 42 C.F.R. §440.90. MDH requests to allow for delivery of services to participants located in the home or other secure setting by clinicians also located off-site. This would continue allowing clinics to provide telehealth services and be reimbursed at the standard rate. The rationale for this request is to maintain continuity of operations and reimbursement for all clinics.

Anticipated Outcomes

Express Lane Eligibility

This amendment will facilitate streamlined and efficient Medicaid renewals, by allowing qualifying adult participants to maintain Medicaid coverage more easily without disruption, improving their health care access, and ultimately their health.

Four Walls Requirement

This amendment will enable continued operations and reimbursements for clinics, which will allow for continued access to care for participants receiving services.

Evaluation Design

Maryland's 1115 Waiver Evaluation design will be modified to incorporate the Express Lane Eligibility (ELE) and Four Walls Requirement Waiver demonstration proposal. The table below outlines the proposed hypotheses for this 1115 Waiver amendment and potential performance measures that would allow HeathChoice to effectively test each of the specific hypotheses.

Objectives	Proposed Hypotheses	Potential Approaches
The ELE and Four Walls Requirement Waiver amendment will improve participants' health care access, and ultimately their health.	The demonstration will improve health care access for HealthChoice members.	Data will be drawn from a variety of sources including, but not limited to: <ul style="list-style-type: none">● State eligibility and enrollment data,● Claims/encounter data,● Administrative program data
	The demonstration will improve health outcomes for HealthChoice members.	

Budget Neutrality

Express Lane Eligibility

Maryland expects additional adults to remain covered in Medicaid because of ELE. Without a waiver, Medicaid expects that some individuals may churn off and back on to Medicaid coverage. Due to the maintenance of effort requirements enacted in the Families First Coronavirus Response Act (FFCRA) during the COVID-19 Public Health Emergency, this waiver will not result in additional costs. In addition, Maryland received §1902(e)(14)(A) authority to utilize SNAP eligibility during the FFCRA unwinding period; this waiver amendment will serve to transition ELE to an authority that is not time-bound by the unwinding period.

Four Walls Requirement

As Maryland Medicaid is currently reimbursing for services provided without the provider and/or patient being physically located in the clinic, this amendment would not require additional funds and thus will be budget neutral. Maryland Medicaid would continue to reimburse providers in this situation absent the Public Health Emergency flexibility under section §1135 of the Social Security Act. In addition, these services would be reimbursed absent the waiver so long as the provider and/or patient was physically located in the clinic.

Public Process and Indian Consultation Requirements

MDH provided public notice and solicited stakeholder participation for this §1115 waiver amendment application per the requirements in 42 C.F.R. §431.408. Notice was published in the Maryland Register on August 25, 2023 and September 8, 2023, as well as on MDH's website on August 25, 2023 (See Appendix B: List of Attachments). MDH provided a 30-day public comment period, from September 1, 2023 through October 2, 2023.

In addition to publishing these notices, MDH conducted two virtual public hearings on the amendment application. The first hearing was held on September 12, 2023. The second hearing was held on September 27, 2023 during the Maryland Medicaid Advisory Committee (MMAC) meeting, to facilitate attendance by MMAC members and stakeholders attending this public forum. Both hearings were accessible by audio conference and presented as a webinar so that slides would also be visible to participants. Agendas and slides from both hearings were shared with registrants prior to the meeting and were later posted to the MDH website linked below.

During these hearings, MDH presented a summary of the amendment draft and accepted verbal and written comments from stakeholders (see Appendix A: Summary of Public Comments and Maryland §1115 Waiver Amendment Attachments for additional information on comments received). The public was also able to access information about the waiver amendment and submission of comments on MDH's website via the link:

<https://mmcp.health.maryland.gov/Pages/1115-HealthChoice-Waiver-Renewal.aspx>

Additionally, on September 1, 2023, MDH sent an overview of the §1115 amendment application to Ms. Jessica Dickerson, Medical Case Manager of Native American Lifelines of Baltimore and appointed Committee Member on the MMAC, for input and comments. Ms. Dickerson acknowledged that she reviewed the amendment and did not have comments (See Appendix A: Summary of Public Comments and Maryland Section §1115 Waiver Amendment Attachments).

Beyond these requirements, MDH continually consults with stakeholders on the HealthChoice program through the MMAC. The MMAC meets monthly and receives reports on regulatory and waiver changes, including amendments to the §1115 HealthChoice waiver. Annually, the MMAC provides feedback on the HealthChoice evaluation report. Notice of the waiver amendment, and public hearings, was distributed to the MMAC stakeholder email list, with instruction to submit written comments to MDH's stakeholder email address, MDH.healthchoicerenewal@maryland.gov.

Appendices

Appendix A: Summary of Public Comments

MDH received a total of 17 verbal and written comments, from 12 separate organizations. The comments expressed support for Express Lane Eligibility and the extension of the Four Walls Requirement suspension. A summary of the comments received follows.

Ten stakeholders wrote to offer their support for the Four Wall Requirements waiver and six stakeholders expressed support for Express Lane Eligibility. Many noted that the continued suspension of the Four-Walls Requirement would remove limitations to reimbursement for telehealth services; several comments described how the waiver would support the delivery of care at school-based health centers and increase access to behavioral health services and supports. Multiple comments expressed their support for MDH to continue using SNAP eligibility to redetermine Medicaid and CHIP enrollees' eligibility to maintain their coverage and reduce the administrative burden for enrollees. One respondent urged the State to apply for additional waivers to further expand the Maryland Easy Enrollment Health Insurance Program using information from their state tax returns to enroll eligible Marylanders into Medicaid. MDH received three verbal questions during its public hearings. Two requested additional information about the waiver of the Four Walls Requirement regarding which types of clinics are impacted by the requirement. The third question requested clarification about the contents of the amendment.

Appendix B: List of Attachments

Attachment 1: Budget Neutrality Worksheet

Attachment 2: Public Notice & Indian Consultation Documentation

Attachment 3: Public Comments Documentation

Attachment 1: Budget Neutrality Worksheet

Please see "MD BN Workbook - HealthChoice - 1115 Waiver Amendment CY 2023" (Excel Spreadsheet).

**Attachment 2: Public Notice & Indian Consultation
Documentation**

Maryland Register



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Volume 50 • Issue 18 • Pages 785 — 844

IN THIS ISSUE

Judiciary
Regulations
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 21, 2023 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of August 21, 2023.

Gail S. Klakring
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

CITATION TO COMAR REGULATIONS

COMAR regulations are cited by title number, subtitle number, chapter number, and regulation number. Example: COMAR 10.08.01.03 refers to Title 10, Subtitle 08, Chapter 01, Regulation 03.

DOCUMENTS INCORPORATED BY REFERENCE

Incorporation by reference is a legal device by which a document is made part of COMAR simply by referring to it. While the text of an incorporated document does not appear in COMAR, the provisions of the incorporated document are as fully enforceable as any other COMAR regulation. Each regulation that proposes to incorporate a document is identified in the Maryland Register by an Editor's Note. The Cumulative Table of COMAR Regulations Adopted, Amended or Repealed, found online, also identifies each regulation incorporating a document. Documents incorporated by reference are available for inspection in various depository libraries located throughout the State and at the Division of State Documents. These depositories are listed in the first issue of the Maryland Register published each year. For further information, call 410-974-2486.

HOW TO RESEARCH REGULATIONS

An Administrative History at the end of every COMAR chapter gives information about past changes to regulations. To determine if there have been any subsequent changes, check the "Cumulative Table of COMAR Regulations Adopted, Amended, or Repealed" which is found online at <http://www.dsd.state.md.us/PDF/CumulativeTable.pdf>. This table lists the regulations in numerical order, by their COMAR number, followed by the citation to the Maryland Register in which the change occurred. The Maryland Register serves as a temporary supplement to COMAR, and the two publications must always be used together. A Research Guide for Maryland Regulations is available. For further information, call 410-260-3876.

SUBSCRIPTION INFORMATION

For subscription forms for the Maryland Register and COMAR, see the back pages of the Maryland Register. Single issues of the Maryland Register are \$15.00 per issue.

CITIZEN PARTICIPATION IN THE REGULATION-MAKING PROCESS

Maryland citizens and other interested persons may participate in the process by which administrative regulations are adopted, amended, or repealed, and may also initiate the process by which the validity and applicability of regulations is determined. Listed below are some of the ways in which citizens may participate (references are to State Government Article (SG), Annotated Code of Maryland):

- By submitting data or views on proposed regulations either orally or in writing, to the proposing agency (see "Opportunity for Public Comment" at the beginning of all regulations appearing in the Proposed Action on Regulations section of the Maryland Register). (See SG, §10-112)
- By petitioning an agency to adopt, amend, or repeal regulations. The agency must respond to the petition. (See SG §10-123)
- By petitioning an agency to issue a declaratory ruling with respect to how any regulation, order, or statute enforced by the agency applies. (SG, Title 10, Subtitle 3)
- By petitioning the circuit court for a declaratory judgment on the validity of a regulation when it appears that the regulation interferes with or impairs the legal rights or privileges of the petitioner. (SG, §10-125)
- By inspecting a certified copy of any document filed with the Division of State Documents for publication in the Maryland Register. (See SG, §7-213)

Maryland Register (ISSN 0360-2834). Postmaster: Send address changes and other mail to: Maryland Register, State House, Annapolis, Maryland 21401. Tel. 410-260-3876. Published biweekly, with cumulative indexes published quarterly, by the State of Maryland, Division of State Documents, State House, Annapolis, Maryland 21401. The subscription rate for the Maryland Register is \$225 per year (first class mail). All subscriptions post-paid to points in the

DATES: July 1-31, 2023.

ADDRESSES: Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel and Secretary to the Commission, telephone: (717) 238-0423, ext. 1312; fax: (717) 238-2436; e-mail: joyler@srbc.gov. Regular mail inquiries may be sent to the above address.

SUPPLEMENTARY INFORMATION: This notice lists the projects, described below, receiving approval for the consumptive use of water pursuant to the Commission's approval by rule process set forth in 18 CFR §806.22 (f) for the time period specified above.

Water Source Approval — Issued Under 18 CFR §806.22(f):

Pennsylvania General Energy Company, L.L.C.; Pad ID: COP Tract 726 Pad E; ABR-202307001; Plunketts Creek Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 17, 2023.

Coterra Energy Inc.; Pad ID: StarzecE P1; ABR-201306009.R2; Bridgewater Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2023.

Coterra Energy Inc.; Pad ID: VandermarkR P1; ABR-201107029.R2; Dimock Township, Susquehanna County, Pa.; Consumptive Use of Up to 5.0000 mgd; Approval Date: July 23, 2023.

Repsol Oil & Gas USA, LLC; Pad ID: Lynn 719; ABR-201207012.R2; Liberty Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 23, 2023.

Seneca Resources Company, LLC; Pad ID: DCNR 100 PAD B; ABR-201107035.R2; Cogan House and McIntyre Townships, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 23, 2023.

Seneca Resources Company, LLC; Pad ID: DCNR Tract 007 Pad D; ABR-201807001.R1; Delmar Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 23, 2023.

SWN Production Company, LLC; Pad ID: Heckman Camp (Pad F); ABR-201307001.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

SWN Production Company, LLC; Pad ID: King N (Pad NW1); ABR-201307004.R2; Franklin Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

SWN Production Company, LLC; Pad ID: TNT LTD PART WEST; ABR-201307002.R2; New Milford Township, Susquehanna County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

SWN Production Company, LLC; Pad ID: Whipple (Pad 14); ABR-201307003.R2; Herrick Township, Bradford County, Pa.; Consumptive Use of Up to 4.9990 mgd; Approval Date: July 23, 2023.

Alliance Petroleum Corporation; Pad ID: Sterling Run Club 4; ABR-201706003.R1; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 27, 2023.

Alliance Petroleum Corporation; Pad ID: Sterling Run Club 5; ABR-201706004.R1; Burnside Township, Centre County, Pa.; Consumptive Use of Up to 3.0000 mgd; Approval Date: July 27, 2023.

Blackhill Energy LLC; Pad ID: NICHOLS 2H Pad; ABR-201107020.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: July 27, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: Brown Homestead; ABR-201207005.R2; Wyalusing Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: CDJ; ABR-201207018.R2; Wilmot Township, Bradford County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2023.

Chesapeake Appalachia, L.L.C.; Pad ID: Cherrymills; ABR-201207019.R2; Cherry Township, Sullivan County, Pa.; Consumptive Use of Up to 7.5000 mgd; Approval Date: July 27, 2023.

EQT ARO LLC; Pad ID: MAC Pad B; ABR-201805002.R1; Cascade Township, Lycoming County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

Repsol Oil & Gas USA, LLC; Pad ID: ALDERSON (05 269); ABR-201807002.R1; Pike Township, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 27, 2023.

Repsol Oil & Gas USA, LLC; Pad ID: BROADLEAF HOLDINGS (01 115); ABR-201807003.R1; Columbia, Springfield, and Troy Townships, Bradford County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 27, 2023.

Repsol Oil & Gas USA, LLC; Pad ID: MOUNTAIN RUN HUNTING CLUB (02 153); ABR-201107050.R2; Union Township, Tioga County, Pa.; Consumptive Use of Up to 6.0000 mgd; Approval Date: July 27, 2023.

Seneca Resources Company, LLC; Pad ID: DCNR 595 Pad G; ABR-201107033.R2; Blossburg Borough and Blossburg Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

Seneca Resources Company, LLC; Pad ID: Rich Valley Pad E; ABR-201107032.R2; Shippen Township, Cameron County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

Seneca Resources Company, LLC; Pad ID: Taft 851 ALT; ABR-202307002; Middlebury Township, Tioga County, Pa.; Consumptive Use of Up to 4.0000 mgd; Approval Date: July 27, 2023.

Blackhill Energy LLC; Pad ID: CRANE Pad; ABR-201107023.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: July 28, 2023.

Blackhill Energy LLC; Pad ID: HOLCOMBE 1H Pad; ABR-201107022.R2; Smithfield Township, Bradford County, Pa.; Consumptive Use of Up to 4.9900 mgd; Approval Date: July 28, 2023.

AUTHORITY: Public Law 91-575, 84 Stat. 1509 *et seq.*, 18 CFR parts§ 806 and 808.

DATED: August 11, 2023

JASON E. OYLER
General Counsel and Secretary to the Commission

[23-18-18]

WATER AND SCIENCE ADMINISTRATION

Water Quality Certification 22-WQC-0045

Howard County SWM Div-Bureau of Environmental Services
9801 Broken Land Parkway
Columbia, MD 21046

Add'l. Info: Pursuant to COMAR 26.08.02.10F(3)(c), The Maryland Department of the Environment is providing notice of its issuance of a Water Quality Certification 22-WQC-0045.

Location: North of Frederick Road between US 29 & Dunloggin Road, in Ellicott City, Howard County

The purpose of the project is to create a significant hazard dam. The project will construct a new earthen embankment with an impervious clay core and cutoff trench that will span the stream and floodplain directly upstream of an existing earthen embankment. The project will grade the stream, floodplain, and valley walls upstream of the embankment to create a basin for necessary flood volume storage. The existing stream will be realigned to flow through the center of the basin in a baseflow channel furnished with gravel streambed material.

1. Temporary impacts to 76,399 square feet of 100-year floodplain & 119 linear feet (749 square feet) of stream; permanent impacts to 864 linear feet (7,825 square feet) of stream.

The WQC and its attachments may be viewed at the following link:

<https://mde.maryland.gov/programs/Water/WetlandsandWaterways/Pages/WQC.aspx>

Appeal of Final Decision. This Water Quality Certification is a final agency decision. Any person aggrieved by the Department's decision to issue this WQC may appeal such decision in accordance with COMAR 26.08.02.10F(4). A request for appeal shall be filed with the Department within 30 days of publication of the final decision and specify in writing the reason why the final decision should be reconsidered. A request for appeal shall be submitted to: Secretary of the Environment, Maryland Department of the Environment, 1800 Washington Boulevard, Baltimore, MD 21230. Any request for an appeal does not stay the effectiveness of this WQC.

Contact: Debra Correia at debra.correia@maryland.gov or 410-537-3900.

[23-18-15]

General Notices

Notice of ADA Compliance

The State of Maryland is committed to ensuring that individuals with disabilities are able to fully participate in public meetings. Anyone planning to attend a meeting announced below who wishes to receive auxiliary aids, services, or accommodations is invited to contact the agency representative at least 48 hours in advance, at the telephone number listed in the notice or through Maryland Relay.

DEPARTMENT OF THE ENVIRONMENT

Subject: Public Meeting
Date and Time: September 27, 2023, 9 a.m. — 12 p.m.
Place: Dept. of the Environment, 1800 Washington Blvd., Baltimore, MD
Contact: Taj Goodlow 410-537-4466

[23-18-02]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting
Date and Time: September 15, 2023, 9 a.m. — 12 p.m.
Place: Via Google Meet — please see details below.

Add'l. Info: Health Occupations Article, Title 10, Annotated Code of Maryland, and COMAR 10.46 amendments, additions, and revisions, including fee changes, may be discussed/voted on. Budget information may also be discussed. It may be necessary to go into executive session. Sign language interpreters and/or appropriate accommodations for qualified individuals with disabilities will be provided upon request. Please call 1-800-735-2255.

Contact: Lauren Murray 410-402-8556

[23-18-04]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearing

Date and Time: September 28, 2023, 1 — 3 p.m.

Place: Virtual Hearing

Add'l. Info: The Maryland Department of Health (MDH) is proposing an amendment to its §1115 demonstration waiver known as HealthChoice, which the Centers for Medicare and Medicaid Services (CMS) has authorized through December 31, 2026. HealthChoice, first implemented in 1997 under the authority of §1115 of the Social Security Act, is Maryland's statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll in a managed care organization (MCO) that has been approved by MDH. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet their health needs.

MDH intends to seek approval to implement Express Lane Eligibility, authorized by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), to renew Medicaid and/or Children's Health Insurance Program (CHIP) coverage for members of an eligible child's Supplemental Nutrition Assistance Program (SNAP) household up to age 65 that are already enrolled in Medicaid and/or CHIP. Additionally, MDH is requesting 1115 waiver authority to adopt on a permanent basis the temporary 1135 waiver granted during the national public health emergency, regarding the Four Walls Requirement for clinics authorized under C.F.R. §440.90.

The State's 30-day public comment period will open on September 1, 2023. Electronic copies of the draft waiver amendment application will be available on that date and may be downloaded from <https://mmcp.health.maryland.gov/Pages/1115-HealthChoice-Waiver-Renewal.aspx>. Hard copies of the application may be obtained by calling (410) 767-5208.

Interested parties may send written comments concerning the waiver amendment to Laura Goodman, Office of Innovation, Research and Development Office of Health Care Financing, Maryland Department of Health, 201 West Preston Street, Room 224, Baltimore, MD 21201, or via email to mdh.healthchoicere renewal@maryland.gov. MDH will accept comments from September 1, 2023, until October 2, 2023.

The following public hearing will discuss the content of the waiver amendment and solicit feedback and input from public stakeholders.

Thursday, September 28, 2023; 1:00PM–3:00PM

Maryland Department of Health

September MMAC Meeting

GoToWebinar Virtual Platform

To participate in the public hearing remotely, please visit:

<https://attendee.gotowebinar.com/register/4499252585546482444>

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Contact: Laura Goodman 410-767-5683

[23-18-14]

DIVISION OF LABOR AND INDUSTRY/AMUSEMENT RIDE SAFETY ADVISORY BOARD

Subject: Public Meeting

Date and Time: October 11, 2023, 11 a.m. — 1 p.m.

Place: Via Google Meet — please see details below.

Add'l. Info: The Amusement Ride Safety Advisory Board will meet and additionally discuss the adoption of regulations governing trampoline parks, including consideration of American Society for Testing and Materials (ASTM) F2970-22. The meeting login details are at <https://meet.google.com/eye-wkrt-gic>.

Or dial: (US) +1 352-614-0148 PIN: 119 256 541#

Contact: Tiffany R. Jones 410 767-2182

[23-18-16]

MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Subject: Public Meeting

Date and Time: September 28, 2023, 10 a.m. — 12 p.m.

Place: Montgomery Park Business Center, 1800 Washington Blvd., Ste. 330, Baltimore, MD

Add'l. Info: The meeting will be held in person and via livestream link available the day of the meeting at <https://www.mdgaming.com/commission-meeting-9-28-23/>.

Contact: Kathy Lingo 410-230-8790

[23-18-06]

MARYLAND HEALTH CARE COMMISSION

Subject: Public Meeting

Date and Time: September 21, 2023, 1 — 4 p.m.

Place: Virtual Meeting

Add'l. Info: Meeting will be held virtually. Please register to attend in advance on the Commission at website — <https://mhcc.maryland.gov/>.

Contact: Valerie Wooding 410-764-3570

[23-18-01]

STANDING ADVISORY COMMITTEE ON OPIOID ASSOCIATED DISEASE PREVENTION AND OUTREACH PROGRAMS

Subject: Public Meeting

Date and Time: September 22, 2023, 10 a.m. — 12 p.m.

Place: Virtual Meeting — please see details below.

Add'l. Info: Meeting link:

<https://us06web.zoom.us/j/9563775232?pwd=d1VSbHIGV21DemQ1NVITNVFKVWZwZz09>

Meeting ID: 956 377 5232

Passcode: 4BDSSP

Contact: Monica McAllister 410-767-2577

[23-18-05]

STATE ADVISORY COUNCIL ON QUALITY CARE AT THE END OF LIFE

Subject: Public Meeting

Date and Time: September 22, 2023, 10 a.m. — 12 p.m.

Place: Office of Health Care Quality, 7120 Samuel Morse Dr., 2nd Fl., Potomac Conference Rm., Columbia, MD 21046, and via video conference per details below.

Add'l. Info: The video conference may be accessed as follows:

Join with Google Meet:

Meeting link:

<https://meet.google.com/nsh-ynba-sgo>

Join by phone:

(US) +1 414-909-1212

PIN: 470782457

The public is welcome to attend in person or to attend the video conference.

Contact: Paul Ballard 410-767-6918

[23-18-03]

SPORTS WAGERING APPLICATIONS REVIEW COMMISSION

Subject: Public Meeting

Date and Time: September 20, 2023, 9 — 11 a.m.

Place: Via Livestream

Add'l. Info: Livestream available on the SWARC website the day of the meeting — <https://swarc.org/>

Contact: James Butler 410-230-8781

Maryland Register



Issue Date: August 25, 2023

Volume 50 • Issue 17 • Pages 761 — 784

IN THIS ISSUE

Governor
Regulations
Special Documents
General Notices

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, this issue contains all previously unpublished documents required to be published, and filed on or before August 7, 2023 5 p.m.

Pursuant to State Government Article, §7-206, Annotated Code of Maryland, I hereby certify that this issue contains all documents required to be codified as of August 7, 2023.

Gail S. Klakring
Acting Administrator, Division of State Documents
Office of the Secretary of State



Information About the Maryland Register and COMAR

MARYLAND REGISTER

The Maryland Register is an official State publication published every other week throughout the year. A cumulative index is published quarterly.

The Maryland Register is the temporary supplement to the Code of Maryland Regulations. Any change to the text of regulations published in COMAR, whether by adoption, amendment, repeal, or emergency action, must first be published in the Register.

The following information is also published regularly in the Register:

- Governor's Executive Orders
- Attorney General's Opinions in full text
- Open Meetings Compliance Board Opinions in full text
- State Ethics Commission Opinions in full text
- Court Rules
- District Court Administrative Memoranda
- Courts of Appeal Hearing Calendars
- Agency Hearing and Meeting Notices
- Synopses of Bills Introduced and Enacted by the General Assembly
- Other documents considered to be in the public interest

CITATION TO THE MARYLAND REGISTER

The Maryland Register is cited by volume, issue, page number, and date. Example:

- 19:8 Md. R. 815—817 (April 17, 1992) refers to Volume 19, Issue 8, pages 815—817 of the Maryland Register issued on April 17, 1992.

CODE OF MARYLAND REGULATIONS (COMAR)

COMAR is the official compilation of all regulations issued by agencies of the State of Maryland. The Maryland Register is COMAR's temporary supplement, printing all changes to regulations as soon as they occur. At least once annually, the changes to regulations printed in the Maryland Register are incorporated into COMAR by means of permanent supplements.

Please join the meeting from your computer, tablet or smartphone at <https://meet.goto.com/395557421>.

You may also dial in using your phone:

Access Code: 395-557-421

United States (Toll Free): 1 877 309 2073

Get the app now and be ready when your first meeting starts:

<https://meet.goto.com/install>

Comments will be accepted between August 17, 2023, and September 18, 2023, at 5:00 p.m. and may also be submitted at the hearing.

Comments may be sent to Ms. Peggy Courtright, Maryland Department of the Environment, Air and Radiation Management Administration, 1800 Washington Boulevard, Suite 705, Baltimore, MD 21230.

Comments may also be emailed to peggy.courtright@maryland.gov or faxed to (410) 537-4135.

After MDE considers the comments received, MDE will finalize and submit the plan revision to the United States Environmental Protection Agency for approval.

Persons in need of special accommodations at the hearing should contact MDE's Office of Fair Practices at (410) 537-3964 at least 5 business days in advance of the hearing. TTY users should contact MDE through the Maryland Relay Service at 1-(800)-735-2258.

Contact: Peggy Courtright 410-537-3237

[23-17-10]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Hearings

Date and Time: September 12, 2023, 3 — 4 p.m.; September 28, 2023, 1 — 3 p.m.

Place: Virtual Hearings:

1st hearing:

<https://attendee.gotowebinar.com/register/9054908596253823071>

2nd hearing:

<https://attendee.gotowebinar.com/register/9054908596253823071>

Add'l. Info: GENERAL NOTICE — §1115 WAIVER AMENDMENT

The Maryland Department of Health (MDH) is proposing an amendment to its §1115 demonstration waiver known as HealthChoice, which the Centers for Medicare and Medicaid Services (CMS) has authorized through December 31, 2026. HealthChoice, first implemented in 1997 under the authority of §1115 of the Social Security Act, is Maryland's Statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll in a managed care organization (MCO) that has been approved by MDH. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet their health needs.

MDH intends to seek approval to implement Express Lane Eligibility, authorized by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), to renew Medicaid and/or Children's Health Insurance Program (CHIP) coverage for members of an eligible child's Supplemental Nutrition Assistance Program (SNAP) household up to age 65 that are already enrolled in Medicaid and/or CHIP. Additionally, MDH is requesting 1115 waiver authority to adopt on a permanent basis the temporary 1135 waiver granted during the national public health emergency, regarding the Four Walls Requirement for clinics authorized under C.F.R. §440.90.

The State's 30-day public comment period will open on September 1, 2023. Electronic copies of the draft waiver amendment application will be available on that date and may be downloaded from <https://mmcp.health.maryland.gov/Pages/1115-HealthChoice-Waiver-Renewal.aspx>. Hard copies of the application may be obtained by calling (410) 767-5208.

Interested parties may send written comments concerning the waiver amendment to Laura Goodman, Office of Innovation, Research and Development Office of Health Care Financing, Maryland Department of Health, 201 West Preston Street, Room 224, Baltimore, MD 21201, or via email to mdh.healthchoicerenewal@maryland.gov. MDH will accept comments from September 1, 2023 until October 2, 2023.

The following public hearings will discuss the content of the waiver amendment and solicit feedback and input from public stakeholders.

Tuesday, September 12, 2023; 3:00PM–4:00PM

Maryland Department of Health

GoToWebinar Virtual Platform

To participate in the public hearing remotely, please visit: <https://attendee.gotowebinar.com/register/9054908596253823071>

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Thursday, September 28, 2023; 1:00PM–3:00PM

Maryland Department of Health

September MMAC Meeting

GoToWebinar Virtual Platform

To participate in the public hearing remotely, please visit:

<https://attendee.gotowebinar.com/register/9054908596253823071>.

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Contact: Laura Goodman 410-767-5683

[23-17-05]

MARYLAND DEPARTMENT OF HEALTH

Subject: Public Meeting

Date and Time: September 21, 2023, 10 a.m. — 12 p.m.

Place: 4201 Patterson Ave., Rm. 110, Baltimore, MD

Add'l. Info: The meeting will be held both in person and via Google Meet. Please visit the Board's website for details at health.maryland.gov/dietetic.

Contact: Lenelle Cooper 410-764-4733

[23-17-06]

DEPARTMENT OF TRANSPORTATION/OFFICE OF MINORITY BUSINESS ENTERPRISE

Subject: Public Meeting

Date and Time: September 6, 2023, 8 a.m. — 5 p.m.; Additional Dates: September 20, October 4, and October 18, 2023.

Place: Virtual Meeting — please see the website for details.

Add'l. Info: Meetings are being held virtually until further notice. Please check the website for additional information — <https://mdot.maryland.gov>.

Contact: Sabrina Bass 410-865-1240

[23-17-02]

WORKERS' COMPENSATION COMMISSION

Subject: Public Meeting

Date and Time: September 21, 2023, 9:30 — 11:30 a.m.

Place: 10 E. Baltimore St., Baltimore, MD

Add'l. Info: Portions of this meeting may be held in closed session.

Contact: Amy S. Lackington 410-864-5300

[23-17-01]

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MARYLAND DEPARTMENT OF HEALTH
Maryland Medicaid Administration



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Maryland Medicaid Pharmacy Program

LONG TERM SERVICES AND SUPPORTS

1115 HealthChoice Waiver Renewal

Background

The Centers for Medicare and Medicaid Services (CMS) has authorized the Maryland Department of Health's (the Department) existing §1115 waiver through December 31, 2026. HealthChoice, first implemented in 1997 under the authority of §1115 of the Social Security Act, is Maryland's statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll in a managed care organization (MCO) that has been approved by the Department. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet their health needs. The Department's current §1115 Waiver Special Terms and Conditions can be found [here](#).

§1115 Waiver Amendment 2023

[Public Notice of 2023 Waiver Amendment](#)

[Notice in Maryland Register - Posted August 25, 2023](#)

[Notice in Maryland Register - Posted September 8, 2023](#)

The Maryland Department of Health (MDH) is proposing an amendment to its §1115 demonstration waiver known as HealthChoice, which the Centers for Medicare and Medicaid Services (CMS) has authorized through December 31, 2026. HealthChoice, first implemented in 1997 under the authority of §1115 of the Social Security Act, is Maryland's statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll in a managed care organization (MCO) that has been approved by MDH. Each MCO is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet their health needs.

MDH intends to seek approval to implement Express Lane Eligibility, authorized by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), to renew Medicaid and/or Children's Health Insurance Program (CHIP) coverage for members of an eligible child's Supplemental Nutrition Assistance Program (SNAP) household up to 2 that are already enrolled in Medicaid and/or CHIP. Additionally, MDH is requesting 111

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authorized under C.F.R. § 440.90.

The State's 30-day public comment period will open on September 1, 2023. Electronic copies of the draft waiver amendment application will be available on that date and may be downloaded from <https://mmcp.health.maryland.gov/Pages/1115-HealthChoice-Waiver-Renewal.aspx>. Hard copies of the application may be obtained by calling (410) 767-5208.

Interested parties may send written comments concerning the waiver amendment to Laura Goodman, Office of Innovation, Research and Development Office of Health Care Financing, Maryland Department of Health, 201 West Preston Street, Room 224, Baltimore, Maryland 21201 or via email to mdh.healthchoicere renewal@maryland.gov. MDH will accept comments from September 1, 2023 until October 2, 2023.

The following public hearings will discuss the content of the waiver amendment and solicit feedback and input from public stakeholders. Please note that if you desire to make a public comment, you will need to register via the links below. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Tuesday, September 12, 2023; 3:00PM–4:00PM

Maryland Department of Health
GoToWebinar Virtual Platform

[Agenda](#) and [Slides](#)

Thursday, September 28, 2023; 1:00PM–3:00PM

Maryland Department of Health
September MMAC Meeting
GoToWebinar Virtual Platform

To participate in the public hearing remotely, please visit:

<https://attendee.gotowebinar.com/register/4499252585546482444>

§1115 Waiver Amendment 2022 - Updated June 30, 2022

The Department has submitted an amendment to the §1115 HealthChoice Demonstration Waiver to the Centers for Medicare and Medicaid Services (CMS).

The Department provided public notice of its intent to submit to CMS, and received public comments on the planned amendments between May 25, 2022 and June 25, 2022.

[Full Waiver Amendment with Appendices](#)

[Public Notice of 2022 Waiver Amendment](#)

Hard copies of the application may be obtained by calling (410) 767-5208.

Interested parties may send written comments concerning the waiver amendment via email to mdh.healthchoicere renewal@maryland.gov or via hard copy to:

Tricia Roddy

Deputy Medicaid Director, Office of Healthcare Financing

Maryland Department of Health

201 West Preston Street, Room 224

Baltimore, Maryland 21201

§1115 Waiver Renewal Application (2021) - Updated June 22, 2022

Effective January 1, 2022, the Centers for Medicare & Medicaid Services (CMS) approved and renewed Maryland's §1115 demonstration waiver, known as HealthChoice, for a period

HealthChoice, first implemented in 1997 under the authority of Section 1115 of the Social Security Act, is Maryland's statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll in a managed care organization that has been approved by the Maryland Department of Health and Mental Hygiene. Each managed care organization is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet the health needs of each enrollee.

The 2021 renewal; made the following changes to the demonstration:

- Created the MOM Model pilot initiative to reduce the burden of neonatal abstinence syndrome (NAS) and its associated costs, and improve maternal health outcomes, by providing case management along with somatic and behavioral care to pregnant people diagnosed with an opioid use disorder (OUD);
- Created a voluntary, five-year payment model in Annapolis, Baltimore City, and Montgomery counties, that provides greater flexibility to ambulance care teams to address emergency health care needs following a 911 call by allowing for payment for ground transports to alternative destinations such as urgent care providers in addition to the ED;
- Created an expenditure authority to cover Medicaid adults aged 21 to 64 that have an SMI diagnosis who are residing in a private IMD;
- Modified Maryland's coverage of ASAM Level 4.0 to include not only providers located in Maryland, but also those based in contiguous states;
- Raised the participant spaces for the Assistance in Community Integration Services (ACIS) Pilot from 600 to 900; and
- Expanded the allowable time-frame of eligibility in the Healthy Families America (HFA) evidence-based Home Visiting Services (HVS) Pilot from age two to age three.

To review the Department's finalized §1115 demonstration waiver application that has been submitted to CMS, please review the resources below.

§1115 Waiver Renewal Resources (2021)

- [§1115 Waiver Renewal Special Terms and Conditions \(Updated 6/22/22\)](#)
- [Full Waiver Renewal Application](#)
- [Attachment 1: Public Notice Process](#)
- [Attachment 2: Received Written Comments](#)
- [Attachment 3: Indian Consultation](#)
- [Waiver Summary Document and Public Comment Notice](#)
- [May 11, 2021: Public Hearing Presentation](#)

The Department accepted public comments from May 4, 2021, through June 4, 2021 and received comments from interested stakeholders, which may be found in Appendix B of the waiver application.

This year's public hearings were held via webinar to discuss the content of the waiver amendment and solicit feedback and input from public stakeholders on May 11, 2021 and May 27, 2021. Meeting information from both of the public hearings may be found below. The 2021 Post-Award Forum was held jointly with the second §1115 demonstration waiver renewal hearing on May 27, 2021 at 3:00 pm, via webinar. Meeting materials from the Post-Award Forum, which are the same as the materials from the first public hearing, may be found at the [HealthChoice Post-Award Forum website](#).

Archival Information

§1115 Waiver Renewal Application (2021) - Updated June 30, 2021

The Maryland Department of Health (the Department) has proposed to renew its §1115 demonstration waiver known as HealthChoice and submitted this application to the Centers for Medicare and Medicaid Services (CMS) on June 30, 2021.

§1115 Waiver Renewal Application (2021) - Updated May 4, 2021

authorization to continue current pilots and programs permitted under the current §1115 waiver, as well to modify the Assistance in Community Integration Services Pilot, the Home Visiting Services Pilot, and the Residential Treatment for Substance Use Disorder program. In addition, the Department is seeking authorization for new programs, including the Expansion of IMD Services for Adults with Serious Mental Illness, the Maternal Opioid Misuse (MOM) Model, and the Emergency Triage, Treat and Transport (ET3) Model.

In FY 2020, there were 1,620,533 individuals enrolled in the Medicaid program, including 1,370,465 individuals in HealthChoice. This demonstration is not expected to increase or decrease annual enrollment.

Per the terms of the §1115 HealthChoice demonstration renewal as required by 42 CFR 431.420(c), the Department must conduct a post-award forum within six months of implementing the demonstration and annually thereafter. The forum is intended to provide the public with the opportunity to offer meaningful comments on the progress of the demonstration.

As of May 4, 2021, the State's 30-day public comment period is open. The Department will accept comments through June 4, 2021. To review the Department's draft §1115 demonstration waiver application, please click [here](#).

§1115 Waiver Renewal Resources (2021)

- [DRAFT Full Waiver Renewal Application](#)
- [DRAFT Waiver Summary Document and Public Comment Notice](#)

Hard copies of the application may be obtained by calling (410) 767-5208. Interested parties may send written comments concerning the waiver amendment to Tricia Roddy, Deputy Medicaid Director, Office of Healthcare Financing, Maryland Department of Health, 201 West Preston Street, Room 224, Baltimore, Maryland 21201 or via email to mdh.healthchoicere renewal@maryland.gov. The Department will accept comments from May 4, 2021, through June 4, 2021.

The following public hearings will discuss the content of the waiver amendment and solicit feedback and input from public stakeholders. The 2021 post-award forum will be held jointly with the second §1115 demonstration waiver renewal hearing on May 27, 2021 at 3:00 pm, via webinar. The webinar registration and call-in information are found below. Meeting materials will be posted on the following website as the meeting date approaches:

<https://mmcp.health.maryland.gov/healthchoice/Pages/HealthChoice-Post-Award-Forum.aspx>.

Virtual Webinar and Audio Conference #1: §1115 Waiver Demonstration Renewal Application

Tuesday, May 11, 2021; 10:00 AM – 12:00 PM

Maryland Department of Health

GoToWebinar Virtual Platform

To participate in the public hearing via webinar, please register via:

<https://attendee.gotowebinar.com/register/2810866705598972683>

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Call-in number: (415) 655-0060

Access code: 610-004-077

The call-in number and access code presented above is for attendees who wish to join in listen-only mode.

Thursday, May 27, 2021, 3:00 PM - 3:00 PM

Maryland Department of Health

GoToWebinar Virtual Platform

To participate in the public hearing via webinar, please register via:

<https://attendee.gotowebinar.com/register/4831209426033221900>

Please note that if you desire to make a public comment, you will need to register via the link above. After registering, you will receive a confirmation email containing audio and visual information about joining the webinar.

Call-in number: 1 (562) 247-8321

Access code: 415-369-968

The call-in number and access code presented above is for attendees who wish to join in listen-only mode.

§1115 Waiver Amendment (2020) - Updated May 5, 2020

The Department has proposed an amendment to its §1115 HealthChoice Demonstration Waiver to establish a limited Collaborative Care Pilot Program. The State's 30-day public comment period was open from May 17, 2019 through June 16, 2019.

The approved §1115 HealthChoice Demonstration Waiver Amendment and Special Terms & Conditions (approved April 16, 2020) are available [here](#).

Visit the Department's dedicated [HealthChoice Collaborative Care Pilot Program webpage](#) for additional information.

Please click [here](#) for more information on the HealthChoice Diabetes Prevention Program.

§1115 Waiver Amendment (2019)

The Department has proposed an amendment to its §1115 HealthChoice demonstration waiver to establish a limited Collaborative Care Pilot Program. The State's 30-day public comment period was open from May 17, 2019 through June 16, 2019.

The draft waiver amendment is available [here](#); the final waiver amendment (as submitted on June 24, 2019) is available [here](#).

Visit the Department's dedicated [HealthChoice Collaborative Care Pilot Program webpage](#) for additional information.

§1115 Waiver Amendment (2018)

The Department submitted an amendment to its §1115 demonstration waiver known as HealthChoice on July 2, 2018. The State's 30-day public comment period was open from May 21, 2018 through June 19, 2018. CMS approved the 2018 waiver amendment in March 2019.

§1115 Waiver Amendment Resources (2018)

- [Draft §1115 Waiver 2018 Amendment Application](#)
- [Final §1115 Waiver 2018 Amendment Application](#)
- [§1115 Waiver 2018 Amendment - Family Planning Clarification Letter to CMS](#)
- [CMS Approved 2018 Waiver Amendment Special Terms and Conditions](#)

Baltimore City Public Stakeholder Meeting - May 24, 2018

- [Agenda](#)
- [Presentation](#)

Annapolis Public Stakeholder Meeting - June 6, 2018

- [Agenda](#)
- [Presentation](#)

renewed Maryland's §1115 demonstration waiver, known as HealthChoice, for a period of five years.

HealthChoice, first implemented in 1997 under the authority of Section 1115 of the Social Security Act, is Maryland's statewide mandatory managed care program for Medicaid enrollees. Under HealthChoice, eligible families and individuals are required to enroll in a managed care organization that has been approved by the Maryland Department of Health and Mental Hygiene. Each managed care organization is responsible for ensuring that HealthChoice enrollees have access to a network of medical providers that can meet the health needs of each enrollee.

The 2017 extension made the following changes to the demonstration:

- Created a Residential Treatment for Individuals with Substance Use Disorder (SUD) program as part of a comprehensive SUD strategy;
- Created two community health pilot programs:
 - Evidence-based Home Visiting Services (HVS) pilot program to provide home visiting services for high-risk pregnant women and children up to two years of age; and
 - Assistance in Community Integration Services (ACIS) pilot program to provide housing-related support services for high-risk, high utilizers who are either transitioning to the community from institutionalization or at high-risk of institutional placement;
- Raised the enrollment cap for the Increased Community Services program from 30 to 100; and
- Expanded dental benefits for former foster youth.

§1115 Waiver Renewal Resources (2016-17)

- [Summary of the 2016 §1115 Waiver Renewal Application](#)
- [Full Waiver Renewal Application](#)
- [HealthChoice Special Terms & Conditions \(STCs\) \(Corrected version; updated 6/16/17\)](#)
- [HealthChoice Extension Approval Letter \(Corrected version; updated 5/10/17\)](#)
- [HealthChoice Extension Waiver Authority \(Corrected version; updated 5/10/17\)](#)
- [HealthChoice Extension Expenditure Authorities \(Corrected version; updated 5/10/17\)](#)
- [May 26, 2016: Public Hearing Presentation](#)

Please click [here](#) for information about the Community Health Pilots.

Please click [here](#) for more information on the Adult Dental Pilot Program.

Please click [here](#) for more information about the 2018 and 2019 §1115 HealthChoice Post-Award Forums.

Hard copies of waiver materials may be obtained by calling: (410) 767-1439.

For additional information or questions, please email mdh.healthchoicerenewal@maryland.gov.

INFORMATION



Hannah T. Markus -MDH- <hannah.markus@maryland.gov>

2023 1115 Waiver Amendment Tribal Consultation

3 messages

Hannah T. Markus -MDH- <hannah.markus@maryland.gov>

Fri, Sep 1, 2023 at 9:42 AM

To: jessicad@nativelifelines.org

Cc: Laura Goodman -MDH- <laura.goodman@maryland.gov>, Sharon Neely -MDH- <sharon.neely@maryland.gov>, "Meredith J. Lawler -MDH-" <meredith.lawler@maryland.gov>

Good morning, Ms. Dickerson,

I work with the Maryland Medicaid Office of Innovation, Research, and Development and wanted to share that the Maryland Department of Health (the Department) is proposing an amendment application to its HealthChoice §1115 demonstration waiver.

This past legislative session required the Department to adopt an Express Lane Eligibility (ELE) program to help streamline eligibility redeterminations for Medicaid and Maryland Children's Health Program for children and certain adults with SNAP benefits. As authorized by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), the Department will submit a State Plan Amendment to adopt ELE for redeterminations of eligible children permanently. This section §1115 waiver amendment is being requested to cover eligible adults for redeterminations. Additionally, the Department is requesting to continue its flexibilities granted under the State's 1135 waiver of the Four Walls Requirement to allow clinics to be reimbursed for rendered telehealth services.

The State's public comment period begins today, September 1, 2023 and ends October 2, 2023. I attached a copy of the proposal in case it's helpful, but it can also be found on our [1115 Waiver Renewal Website](#).

We would love to hear your comments, if you have any, and possibly set up a phone call to discuss the amendment with you. You may also send written comments concerning the waiver amendment to Laura Goodman, Office of Innovation, Research, and Development, Office of the Medicaid Director, Maryland Department of Health, 201 West Preston Street, Room 224, Baltimore, Maryland 21201 or via email to mdh.healthchoicerenewal@maryland.gov.

Thank you for your time and happy Friday!

--

Hannah Markus

Special Assistant to the Senior Program Manager
Office of Innovation, Research, and Development
Office of Health Care Financing
Maryland Department of Health
201 W. Preston St, Baltimore, MD 21201
Pronouns: she/her/hers

We encourage you to check our website and social media often for updates.

For Medicaid-related Coronavirus updates, visit mmcp.health.maryland.gov.

For questions about the Coronavirus, visit coronavirus.maryland.gov.

Follow us @MDHealthDept [facebook.com/MDHealthDept](https://www.facebook.com/MDHealthDept) and twitter.com/MDHealthDept.

The Maryland Department of Health is committed to customer service. [Click here](#) to take the Customer Satisfaction Survey.

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 **2023 1115 Waiver Amendment - Public Notice.pdf**
161K

Jessica Dickerson <jessicad@nativelifelines.org>

Mon, Sep 11, 2023 at 10:41 AM

To: "Hannah T. Markus -MDH-" <hannah.markus@maryland.gov>

Cc: Laura Goodman -MDH- <laura.goodman@maryland.gov>, Sharon Neely -MDH- <sharon.neely@maryland.gov>, "Meredith J. Lawler -MDH-" <meredith.lawler@maryland.gov>

Thank you for reaching out to me. I do not have any comments at this time. If something changes, I will submit comments with the information provided.

Thanks,
Jessica

Jessica Dickerson, MSW (she/her)

Medical Case Manager

Native American LifeLines

410-837-2258 x 102

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From: Hannah T. Markus -MDH- <hannah.markus@maryland.gov>

Sent: Friday, September 1, 2023 9:42 AM

To: Jessica Dickerson <jessicad@nativelifelines.org>

Cc: Laura Goodman -MDH- <laura.goodman@maryland.gov>; Sharon Neely -MDH- <sharon.neely@maryland.gov>; Meredith J. Lawler -MDH- <meredith.lawler@maryland.gov>

Subject: 2023 1115 Waiver Amendment Tribal Consultation

[Quoted text hidden]

Hannah T. Markus -MDH- <hannah.markus@maryland.gov>

Mon, Sep 11, 2023 at 10:48 AM

To: Jessica Dickerson <jessicad@nativelifelines.org>

Cc: Laura Goodman -MDH- <laura.goodman@maryland.gov>, Sharon Neely -MDH- <sharon.neely@maryland.gov>, "Meredith J. Lawler -MDH-" <meredith.lawler@maryland.gov>

Great. Thank you for reviewing the proposed amendment!

Kind regards,
Hannah

[Quoted text hidden]



§1115 Waiver Public Hearing for Proposed Waiver Amendment

Agenda

Tuesday, September 12, 2023

3:00 pm – 4:00 pm

Call-in number: +1 (914) 614-3221

Access code: 341 937 897

Please register for Virtual Webinar and Audio Conference at:

<https://attendee.gotowebinar.com/register/9054908596253823071>.

After registering, you will receive a confirmation email containing information about joining the webinar.

Time	Topic	Presenter
3:00 – 3:05	1. Welcome and Housekeeping	Tricia Roddy
		Laura Goodman
3:05 – 3:15	2. HealthChoice Overview	Laura Goodman
	a. HealthChoice History	
	b. COVID-19 Impact	
	c. Current Enrollment	
	d. MCO Market Share	
3:15 – 3:30	3. Proposed Waiver Amendment Overview	Laura Goodman
	a. Express Lane Eligibility	
	b. Four Walls Requirement	
	c. Public Notice	
3:30 – 4:00	4. Public Comment	Laura Goodman



2023 Medicaid §1115 HealthChoice Waiver Amendment Public Hearing

Office of Innovation, Research and Development

September 12, 2023



Agenda

- Welcome
- HealthChoice Overview
- §1115 Waiver Amendment
- Public Comment

Housekeeping

- Please join the meeting audio via phone and enter your audio PIN, which will enable you to speak during public comment.
- Lines will be muted during the presentations; please also self-mute.
- Please indicate your name, title, organization, and email in the chat.
 - Please indicate if you will be submitting written comments or present verbal comments/questions during today's webinar.
- Send questions you have through the question function; you may also utilize this function to sign up for public comment.
- Additional comments, letters, and questions can be submitted via email to mdh.healthchoicerenewal@maryland.gov.

HealthChoice Overview

History of HealthChoice

- HealthChoice, first implemented in 1997 under the authority of §1115 of the Social Security Act, is Maryland's statewide mandatory managed care program for Medicaid enrollees.
- The HealthChoice §1115 Demonstration Waiver was last renewed in 2021; the current waiver term extends for five years (calendar years 2022-2026).
- The HealthChoice program is a mature demonstration that has been proven to increase access to quality health care and reduce overall health care spending.

History of HealthChoice

- In December 2021, the Centers for Medicare and Medicaid Services (CMS) approved Maryland's application for a seventh extension of the HealthChoice demonstration.
- MDH submitted a previous waiver amendment application in June 2022, to phase out the Adult Dental Pilot and Alternative Destination Pilot, due to legislative changes.
- The current waiver amendment application will be submitted to CMS in November for approval by and implementation on May 1, 2024.

COVID-19 Impact

- Could not disenroll members from Medicaid as a result of the Public Health Emergency, creating a significant impact on eligibility numbers compared to last year.
- Expansion of services delivered via telehealth, including audio-only telehealth visits.
- Waived enforcement of monthly premium payments for the Maryland Children's Health Program Premium and Employed Individuals with Disabilities, and introduced other flexibilities surrounding the delivery of long-term services and supports.
- Relaxed provider enrollment and registration requirements and collaborated with the MCOs to establish a global risk corridor as a fiscal safeguard.

Current Enrollment

As of September 2023...

- There were 1,531,407 individuals enrolled in HealthChoice, representing 86 percent of total Maryland Medicaid enrollment.
- 463,282 adults were enrolled through the ACA Medicaid expansion.

MCO Market Share

Nine managed care organizations (MCOs) participate in the HealthChoice program. Below is the MCO market share as of September 2023:

- Aetna Better Health (4.0 percent)
- CareFirst Community Health Plan Maryland (6.0 percent)
- Jai Medical Systems (2.0 percent)
- Kaiser Permanente (8.0 percent)
- Maryland Physicians Care (16.5 percent)
- MedStar Family Choice (7.1 percent)
- Priority Partners (23.4 percent)
- United Healthcare (11.4 percent)
- Wellpoint (21.6 percent)

§1115 Waiver Amendment

§1115 Waiver Amendment Initiatives

New initiatives:

- Express Lane Eligibility for adults
- Four Walls Requirement Waiver

§1115 Waiver Amendment Initiatives

Express Lane Eligibility (ELE)

- The Children’s Health Insurance Program Reauthorization Act of 2009 (CHIPRA) authorized states to establish ELE to efficiently enroll or renew eligible children in Medicaid and the Children’s Health Insurance Program (CHIP).
- During unwinding of the continuous eligibility provisions of the Families First Coronavirus Response Act (FFCRA), Maryland received CMS approval to temporarily renew Medicaid eligibility for individuals who are also receiving benefits under SNAP, including both children and adults.
- This temporary authority will remain in effect until April 30, 2024.

§1115 Waiver Amendment Initiatives

Express Lane Eligibility (ELE)

- (SB) 26 – *Maryland Medical Assistance Program, Maryland Children's Health Program, and Workgroup on Low-Income Utility Assistance* – (Chapter 282), requires Maryland Medicaid to establish an ELE program for redeterminations of individuals with SNAP benefits in Medicaid and the Maryland Children's Health Program (MCHP), effective January 1, 2025.
- This §1115 Waiver amendment is requesting authority to adopt ELE redeterminations of adults with SNAP benefits, effective May 1, 2024.
 - Adults aged 19 to 64 whose SNAP verified income is at or below 138% FPL
- Additionally, Medicaid will submit a State Plan Amendment to authorize ELE redeterminations for children.

§1115 Waiver Amendment Initiatives

Four Walls Requirement

- On August 31, 2020, CMS approved additional flexibilities to Maryland's waiver under section 1135 which granted a temporary waiver of 42 C.F.R. § 440.90 requiring that either the practitioner or patient be physically located within the clinic when billing Maryland Medicaid for services.
- The section 1135 waiver permits services provided via telehealth from clinic practitioners' homes (or another location) to be considered to be provided at the clinic for purposes of 42 C.F.R. § 440.90(a).
- This section 1115 Waiver amendment is requesting to continue the State's section 1135 waiver of the Four Walls Requirement to allow clinics to bill telehealth services at the standard rates.

Public Notice

The following online public hearings will discuss the content of the waiver renewal and solicit feedback and input from stakeholders:

- First Public Hearing: 9/12/23, 3:00-4:00 pm
- Second Public Hearing: 9/28/23, 1:00-3:00 pm
 - Combined with the September MMAC Meeting

The full draft of the application was available for public comment on 9/1/23.

General Information

- The 1115 Waiver Amendment draft is available here:
 - On the [main HealthChoice page](#)
 - Directly in [pdf form](#)
 - And with [a summary document](#)
- Hard copies may be obtained by calling (410) 767-5208.
- Interested parties may send written comments concerning the waiver amendment to mdh.healthchoicerenewal@maryland.gov.
- The Department is accepting comments from Friday, Sept. 1st to Monday, Oct. 2nd.

Questions and Public Comments

MARYLAND MEDICAID ADVISORY COMMITTEE

DATE: Thursday, September 28, 2023
TIME: 1:00 - 3:00 p.m.
LOCATION: GoToWebinar

MMAC meetings will continue to be held through GoToWebinar only.

Please register for MMAC Meeting on September 28, 2023, 1:00 p.m. EST at:

<https://attendee.gotowebinar.com/register/4499252585546482444>

After registering, you will receive a confirmation email containing information about joining the webinar.

Those who would like to make public comment should email Ms. Meredith Lawler at, meredith.lawler@maryland.gov or use the question feature to submit questions to the host.

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AGENDA

- I. Departmental Report
- II. 1115 Waiver Amendment Update
- III. Waiver, State Plan and Regulations Changes
- IV. Public Comments
- V. Adjournment

Next Meeting: Thursday, October 26, 2023, 1:00 – 3:00 p.m.

Staff Contact: Ms. Meredith Lawler
meredith.lawler@maryland.gov



2023 Medicaid §1115 HealthChoice Waiver Amendment Public Hearing

Office of Innovation, Research and Development

September 28, 2023



Agenda

- Welcome
- HealthChoice Overview
- §1115 Waiver Amendment
- Public Comment

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§1115 Waiver Amendment Initiatives

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- The Department is accepting comments from Friday, Sept. 1st to Monday, Oct. 2nd.

Questions and Public Comments

Attachment 3: Public Comments Documentation

Maryland §1115 Waiver Amendment: Public Hearings Summary

Name	Michael Paddy	Lori Doyle	Jill Foster	Stephanie Klapper	Michael Paddy	Shannon Hall
Organization	Public Policy Partners Maryland	Community Behavioral Health Association of Maryland	N/A	Maryland Citizens' Health Initiative	Public Policy Partners Maryland	Community Behavioral Health Association of Maryland
Title	Senior Government Relations Associate	Public Policy Director	Independent Consultant	Deputy Director	Senior Government Relations Associate	Executive Director
Public Forum Date	September 12, 2023	September 12, 2023	September 12, 2023	September 28, 2023	September 28, 2023	September 28, 2023
Method	Verbal	Verbal	Verbal	Verbal	Verbal	Verbal
Date Responded	September 12, 2023	September 12, 2023	September 12, 2023	September 28, 2023	September 28, 2023	September 28, 2023
Summary of Questions/Comments	Mr. Michael Paddy provided public comment of support. The extension of the §1135 Four Walls Requirement flexibility helps their organization's clients to maintain services for students in events that schools close or other potential disruptions. It allows clinics to continue providing family planning care with extended hours and other flexibilities. They think this will help bring providers into the State.	Ms. Lori Doyle asked the following questions: 1. She assumed the Four Walls Requirement applied to behavioral health clinics. 2. How does the Four Walls waiver interact with the Preserve Telehealth Act? 3. If the waiver is denied will either the clinician or the client be required to be in the clinic? 4. Does this impact other types of behavioral health services that are non-clinic?	Ms. Jill Foster asked the following question: Was a waiver to cover food as medicine considered as has been done in other states?	Ms. Stephanie Klapper strongly supports the §1115 waiver amendment and MDH's work with renewing SNAP recipients' Medicaid eligibility. She thanked the sponsors, Senator Augustine, and Senator Hester, of the legislation and the General Assembly. She said she would also support the next steps with enrolling newly eligible individuals and submit written comments.	Mr. Michael Paddy strongly supports the §1115 waiver amendment to remove the Four Walls Requirements. He said it will allow patients to get care in their homes at a time where access to care and telehealth visits are critical.	Ms. Shannon Hall asked the following question: Does the four walls extension apply to audio-only telehealth?

Response	N/A	The State confirmed that this applies to clinics. The State confirmed the Four Walls Requirement supports the Preserve Telehealth Act and that this amendment will extend the reimbursement support clinics received from Medicaid throughout the pandemic.	The State is not considering covering food as medicine in this §1115 waiver amendment application.	N/A	N/A	The State confirmed that the Four Walls Requirements does apply to audio-only telehealth.
Responder	N/A	Tricia Roddy, Deputy Medicaid Director, Office of Health Care Financing Laura Goodman, Deputy Director, Medicaid Office of Innovation, Research, and Development	Laura Goodman, Deputy Director, Medicaid Office of Innovation, Research, and Development	N/A	N/A	Laura Goodman, Deputy Director, Medicaid Office of Innovation, Research, and Development



October 2, 2023

Health Secretary Laura Herrera Scott
Maryland Department of Health
201 W. Preston St.
Baltimore, MD 21201

Dear Secretary Herrera Scott,

Thank you for the opportunity to provide comments on the Maryland Section §1115 Waiver Amendment Application, and for your leadership in pursuing access to quality, affordable health care for all Marylanders. We at Maryland Citizens' Health Initiative would like to express our strong support. The Maryland Health Care for All! Coalition is made up of hundreds of faith, business, community, health care, and consumer organizations from across the state all working toward achieving quality, affordable health care for all Marylanders. The coalition strongly supports automatically enrolling all Marylanders eligible for free or very low-cost health care plans in health care coverage.

We would like to thank lead sponsors Delegate Lorig Charkoudian and Senator Malcolm Augustine, the Maryland General Assembly, and Governor Moore for passing legislation to allow SNAP recipients to automatically renew and enroll in Medicaid coverage.

Under temporary authority from CMS so far 35,000 Marylanders enrolled in SNAP have been able to retain their Medicaid coverage automatically during the Medicaid unwinding process, thus keeping their access to life-saving medical care. We thank you and the Department of Health for this incredible achievement. This waiver application is a critical step to ensuring that this successful program continue.

We also support the continued waiver of the Four Walls Requirement. Many Marylanders, especially vulnerable and underserved populations, rely on telehealth to continue to receive care. Continuing Medicaid enrollees ability to access telehealth is a matter of health equity.

In the future we looking forward to supporting an additional waiver application to newly enroll SNAP recipients into Medicaid. Based on [Census Bureau data for 2021](#), 65,000 uninsured state residents receive SNAP—nearly one in five uninsured Marylanders (17%). Newly enrolling SNAP recipients into Medicaid will dramatically reduce the number of uninsured in Maryland. A federal waiver would ensure that minor technical differences between SNAP and Medicaid income definitions do not prevent the implementation of this program.

We also urge the Department of Health to apply for two waivers that would allow Maryland to fully implement the Easy Enrollment Health Insurance Program and automatically enroll eligible Marylanders into Medicaid based on information from their state tax returns. Waivers will be needed

to ensure that 1) Marylanders who are verified to be U.S. citizens by records maintained by the Social Security Administration and other agencies do not additionally have to attest to their citizenship and 2) Maryland can base financial eligibility on prior-year income shown on the tax form rather than requiring Marylanders to fill out forms attesting to current income levels. These two waivers are critical to ensure that Maryland can enroll as many uninsured eligible tax filers into Medicaid as possible without them getting stuck in the enrolment gap.

Thank you for your leadership and consideration of these comments to help ensure access to quality, affordable health care for all Marylanders.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Klapper". The signature is written in a cursive style with a large initial 'S' and 'K'.

Stephanie Klapper
Deputy Director
Maryland Citizens' Health Initiative

----- Forwarded message -----

From: **Laura Goodman -MDH-** <laura.goodman@maryland.gov>

Date: Thu, Sep 7, 2023 at 2:43 PM

Subject: Re: ELE Waiver draft amendment for public comment

To: Stephanie Klapper <stephanie@healthcareforall.com>

Cc: Ryan Moran -MDH- <ryan.moran@maryland.gov>, Stan Dorn <sdorn@unidosus.org>, Suzanne Schlattman <suzanne@healthcareforall.com>, Vinny DeMarco <demarco@mdinitiative.org>, Tricia Roddy -MDH- <tricia.rodde@maryland.gov>

Hi Stephanie,

Thanks again for your questions on MDH's 1115 waiver amendment. See our response in red below.

To clarify, is this just for renewal of Medicaid, or also for enrollment? Are we already renewing adults into Medicaid who are enrolled in SNAP during the Medicaid unwinding?

Pursuant to SB 26, the Department is implementing express lane eligibility for renewals before initial enrollment. To your second question, during unwinding of the continuous eligibility provisions of FFCRA, Maryland received approval under Section 1902(e)(14)(A) of the Social Security Act to temporarily renew Medicaid eligibility for individuals who are also receiving benefits under SNAP. Under this authority, the State will renew Medicaid eligibility for SNAP participants using gross income as determined by SNAP without conducting a separate income determination. This temporary authority will remain in effect until April 30, 2024. The amendment we are applying for is a continuation of this temporary authority, so that we have no gap in functionality after the (e)(14) authority expires.

And is the amendment for all adults enrolled in SNAP? Or only adults in households with children who are enrolled in SNAP?

The amendment is for adults between age 19 to 64 and enrolled in Medicaid, whose SNAP verified income is at or below 138% FPL.

We look forward to continuing our collaboration on these efforts.

Kind regards,
Laura

On Wed, Sep 6, 2023 at 9:58 AM Stephanie Klapper <stephanie@healthcareforall.com> wrote:

Thank you both!

-Stephanie Klapper, MSW

Maryland Health Care for All! Coalition

On Wed, Sep 6, 2023 at 8:19 AM Ryan Moran -MDH- <ryan.moran@maryland.gov> wrote:

Thanks, Laura!
[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]



October 2, 2023

Sent via email: mdh.healthchoicerenewal@maryland.gov

Laura Goodman, MPH
Deputy Director, Office of Innovation, Research and Development
Maryland Department of Health
201 West Preston Street - Room 224
Baltimore, Maryland 21201

Dear Ms. Goodman,

On behalf of the Maryland Association of Community Health Centers (MACHC), I want to register MACHC's strong support for the two 1115 Waiver Amendments that the State is submitting to CMS for consideration. MACHC is the federally designated Primary Care Association for Maryland and Delaware Community Health Centers. As the backbone of the primary care safety net, federally qualified health centers (FQHCs) are united by a shared mission to ensure access to high-quality health care for all individuals, regardless of ability to pay. MACHC supports its members in delivering accessible, affordable, cost-effective, and quality primary health care to those most in need.

MACHC applauds the Department's commitment to facilitate Medicaid and/or Children's Health Insurance Program (CHIP) enrollment renewal for qualified Marylanders through the 1115 Waiver Amendment to implement Express Lane Eligibility for all members up to age 65 of an eligible Supplemental Nutrition Assistance Program (SNAP) household. With the challenges the State faces with redeterminations as well as the challenges faced by many Medicaid and CHIP enrollees to maintain their coverage, implementation of express lane eligibility for adult members of families receiving SNAP benefits will greatly enhance the State's ability to maximize renewal of Medicaid and CHIP enrollees.

MACHC also strongly supports the State's 1115 Waiver Amendment to make permanent the temporary 1135 waiver granted during the national public health emergency regarding the "Four Walls Requirement" for clinics that enabled MACHC members to provide telehealth services to patients of their clinics without the requirement that either the provider or the patient be within the four walls of the clinic. MACHC's members have found unequivocally that the telehealth flexibility this waiver would retain has dramatically enhanced access to care for Maryland's most vulnerable populations that would otherwise have been unable to access necessary healthcare services. As a result of the flexibility provided, FQHCs and other community health centers and clinics can better meet behavioral health needs, post-hospitalization visits that improve continuity of care, urgent health care needs that might otherwise cause more costly care, and numerous other services that have proven to enhance health outcomes and reduce health care costs. Retaining the flexibility that this 1115 Waiver requests is critical to the health and well-being of Maryland's most vulnerable populations.

MACHC appreciates the opportunity to comment on the two 1115 Waiver requests. MACHC's member support for these initiatives cannot be overstated, and the association looks forward to working with the State as it seeks their approval.

Sincerely,

Nora E. Hoban

Nora Hoban, Chief Executive Officer

cc: Laura Herrera Scott, MD, Secretary MDH
Ryan B. Moran, Deputy Secretary, Health Care Financing and Medicaid
Pamela Metz Kasemeyer, Schwartz, Metz, Wise & Kauffman, P.A., Counsel



To: Laura Goodman
Office of Innovation, Research and Development
Office of Health Care Financing
Maryland Department of Health

From: Robyn Elliott on behalf of the American College of Nurse Midwives

Date: September 19, 2023

RE: Proposed 1115 Amendment to the Four-Walls Rule

Thank you for the opportunity to submit comments on the Proposed 1115 Waiver Amendment to extend telehealth flexibilities beyond the end of the public health emergency for family planning and other types of clinics. The Maryland Affiliate of the American College of Nurse Midwives (ACNM) supports the Department's request to lift the rule the four-wall rule. The rule, by requiring either the provider or patient be within the four-walls of a clinic, reflects an outdated model of care.

We still have tremendous gaps in care, and we should be employing every strategy to meet the needs of patients. If the four-wall rule were suspended, clinics would have greater flexibility in extending their hours, deploying providers located in another state, and providing continuity of care while providers and/or patients are traveling.

The Department's request to suspend the four-walls rule will also align Maryland Medicaid's policies with broader federal priorities on family planning. In 2022, the Department of Health and Human Services (DHHS) released \$16.3 million to expand the telehealth capacity of Title X clinics.

Thank you for this effort to update Medicaid's policies to advance the use of telehealth to close gaps in care. If we can provide any additional information, please contact me at relliott@policypartners.net.



October 2, 2023

Board of Directors

Dimitri Cavathas, President
Lower Shore Clinic

Johnnie Fielding, President-Elect
Upper Bay

Wunmi Fadiora-Adediji, Treasurer
Hope Health System

Anne Peyer, Secretary
Cornerstone Montgomery

Charles Anderson
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Baltimore Crisis Response

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Community Residences

Kevin Keegan
Catholic Charities

Holly Ireland
Crossroads Community

Kylie McCleaf
Jewish Social Services Agency

Kim Morrill
Aspire Wellness Center

Victoria Morgan
Partnership Development Group

Laura Mueller
WIN Family Health

Sheryl Neverson
Volunteers of America

Jennifer McGlothlin- Renault
Arrow Child & Family Ministries

Jeff Richardson
Sheppard Pratt

Karishma Sheth
EveryMind

Donald Webster
Family Service Foundation

Laura Goodman
Maryland Department of Health
201 W. Preston Street
Baltimore, MD 21201
Email: mdh.healthchoicere renewal@maryland.gov

Dear Ms. Goodman:

The Community Behavioral Health Association of Maryland (CBH) is the leading voice for community-based providers serving the mental health and addiction needs of vulnerable Marylanders. Our 89 member organizations serve the majority of those accessing care through the public behavioral health system. CBH members provide outpatient and residential treatment for mental health and addiction-related disorders, day programs, case management, Assertive Community Treatment (ACT), employment supports, and crisis intervention.

CBH strongly supports the Maryland Department of Health's (MDH) request for 1115 waiver authority to adopt on a permanent basis the temporary 1135 waiver granted during the national public health emergency, regarding the Four Walls Requirement for clinics authorized under C.F.R. § 440.90.

During the pandemic, the use of telehealth was one of the only ways to ensure that adults and children with serious behavioral health disorders continued to receive their needed treatment and support services. The inclusion of audio-only telehealth provided a way to reach those in rural communities lacking adequate broadband connectivity and those who lacked the financial resources to connect via audio-visual means.

Now that the public health emergency (PHE) has ended, we find that telehealth – both audio-visual and audio-only - continues to be a preferred modality to receive treatment and support services for those who face challenges – such as transportation, child care, and inflexible work schedules – in accessing in-person services. The data we have collected from our members indicates that services rendered through telehealth are at least as efficacious as those rendered in-person. And while we believe that in-person services should always be available for those who prefer it or when it is clinically indicated, having the ability to continue to provide services through telehealth not only helps those we serve, but also

Comments on Four Walls Waiver
October 2, 2023



helps our member organizations meet rising demand while faced with severe workforce challenges.

Maryland has taken assertive steps to continue the telehealth flexibilities granted during the PHE. We strongly support MDH's efforts to keep telehealth available for Medicaid recipients needing access to behavioral health services and supports.

Sincerely,

Shannon Hall
Executive Director



**MMCOA
Board of Directors**

September 7, 2023

President

Kathlyn Wee
CEO
UnitedHealthcare
Community Plan of
Maryland

Ryan Moran, DrPH.
Deputy Secretary for Health Care Financing
Maryland Department of Health
201 W. Preston Street
Baltimore, MD

**Vice President/
Secretary**

Jason Rottman
CEO
Maryland Physicians Care

Submitted electronically to Ryan.moran@maryland.gov

Re: HealthChoice 1115 Waiver Amendment

Dear Deputy Secretary Moran:

Treasurer

Edward Kumian
CEO
Priority Partners MCO, Inc.

The Maryland Managed Care Organization Association (MMCOA) appreciates the opportunity to submit supportive comments to the Maryland Department of Health (MDH) regarding the above referenced proposed amendment to the HealthChoice Section 1115 waiver. MMCOA represents the nine Medicaid managed care organizations that provides care and coverage to Marylanders enrolled in the HealthChoice program.

Angelo D. Edge
CEO
Aetna Better Health

MDH proposes to implement Express Lane Eligibility, authorized by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), to renew Medicaid and/or Children's Health Insurance Program (CHIP) coverage for members of an eligible child's Supplemental Nutrition Assistance Program (SNAP) household up to age 65 that are already enrolled in Medicaid and/or CHIP.

Mike Rapach
President and CEO
CareFirst Community
Health Plan Maryland

Additionally, the proposal seeks to adopt on a permanent basis the temporary 1135 waiver granted during the national public health emergency, regarding the Four Walls Requirement for clinics authorized under 42 C.F.R. § 440.90. The proposed waiver amendments grant the state authority to implement programs that will allow MMCOA members to increase access to high quality care for a broader number of Marylanders. We are pleased to see the state seeking these flexibilities to assure access to care and coverage for HealthChoice members.

Jai Seunarine
CEO
Jai Medical Systems

Shannon McMahon
Executive Director, Medicaid
Policy
Kaiser Permanente

Lesley Wallace
Executive Director
MedStar Family Choice, Inc.

Thank you for the opportunity to comment on this proposal. We look forward to working with you through the proposal and implementation process. If you have questions, please contact me at cstrong@stringfellowgroup.net or Shannon McMahon at shannon.mcmahon@kp.org.

Dr. Darrell Gray II
President and CEO
Wellpoint Maryland

Sincerely,
Chris Strong
Chris Strong
Interim Executive Director
Maryland Medicaid Managed Care Organization

September 29, 2023

Laura Goodman
Acting Director
Office of Innovation, Research and Development
Health Care Financing Administration
Maryland Department of Health
201 West Preston Street
Room 224
Baltimore, MD 21201

Submitted via email to mdh.healthchoicerenewal@maryland.gov

RE: Draft Section 1115 Amendment Waiver

Dear Acting Director Goodman:

CareFirst Community Health Plan Maryland (CHPMD) appreciates the opportunity to voice our support on the draft Section 1115 demonstration amendment waiver as issued on September 1, 2023.

Specifically, CHPMD would like to voice support for MDH's proposal to implement Express Lane Eligibility, authorized by the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA), to renew Medicaid and/or Children's Health Insurance Program (CHIP) coverage for members of an eligible child's Supplemental Nutrition Assistance Program (SNAP) household up to age 65 that are already enrolled in Medicaid and/or CHIP.

As a HealthChoice Managed Care Organization (MCO) proudly serving over 91,000 Marylanders, CHPMD applauds the efforts of the Maryland Department of Health to streamline eligibility verification processes utilizing SNAP data.

During the COVID-19 Public Health Emergency, Medicaid enrollment swelled to unprecedented levels nationwide. Medicaid redeterminations have been, and continue to be, an enormous undertaking for states across the nation. Under the Department's leadership and guidance, Maryland has set a high standard in terms of preparing for and carrying out the complex task of unwinding, notably through innovative partnerships with the MCOs and community partners. Maryland's "Medicaid Check-In" campaign has served as a blueprint for many states in utilizing creative methods to build awareness for Medicaid redeterminations.

We support Maryland's efforts to take up as many federal flexibilities issued by the Centers for Medicare & Medicaid Services (CMS) as possible to mitigate coverage loss for the most vulnerable in our communities. Of relevance to the proposed amendment, Maryland received CMS **Need help or translator? ¿Necesita ayuda o traductor? 410-779-9369 or 800-730-8530 carefirstchpmd.com**

approval to temporarily renew Medicaid eligibility for individuals who are also receiving SNAP benefits, including both children and adults, through April 30, 2024. Redetermination data from the Maryland Department of Health cite that, during August 2023, 10,339 enrollees were auto renewed and had their Medicaid coverage extended due to active enrollment in SNAP. Amidst national concerns that many individuals are inappropriately losing coverage due to procedural disenrollments, making Express Lane Eligibility permanent will significantly aid in ensuring that eligible Marylanders remain covered. Based on a report from the U.S. Department of Health and Human Services Office of Inspector General evaluating the impact of Express Lane Eligibility in multiple states, many states cited reduced administrative burden, cost savings, and increased enrollment and retention.¹

This strategy will eliminate the duplication of administrative effort and will protect individuals from having to provide the same information to multiple agencies.

Once again, CHPMD applauds the Maryland Department of Health as it seeks to make Express Lane Eligibility for adults permanent in the Medicaid eligibility verification process. We look forward to continued collaboration and partnership with the Maryland Department of Health and thank you for the opportunity to provide comments.

Sincerely,



Mike Rapach
President and CEO
CareFirst BlueCross BlueShield Community Health Plan Maryland

¹ Martin, Suzanne. "State Use of Express Lane Eligibility for Medicaid and CHIP Enrollment." *State Use of Express Lane Eligibility for Medicaid and CHIP Enrollment Report (OEI-06-15-00410) 10-14-2016*, 14 Oct. 2016, oig.hhs.gov/oei/reports/oei-06-15-00410.asp.

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**CareFirst CHPMD
 CY2024 SERVICE AREA PARTICIPATION**

Service Area	Current Participation Status	No Change	Request to Open	Voluntary Enrollment Freeze
Allegany	Open	X		
Anne Arundel	Open	X		
Baltimore City	Open	X		
Baltimore County	Open	X		
Calvert	Open	X		
Caroline	Open	X		
Carroll	Open	X		
Cecil	Open	X		
Charles	Open	X		
Dorchester	Open	X		
Frederick	Open	X		
Garrett	Open	X		
Harford	Open	X		
Howard	Open	X		
Kent	Open	X		
Montgomery	Open	X		
Prince George's	Open	X		
Queen Anne's	Open	X		
St. Mary's	Open	X		
Somerset	Open	X		
Talbot	Open	X		
Washington	Open	X		
Wicomico	Open	X		
Worcester	Open	X		

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October 2, 2023

Laura Goodman
Office of Innovation, Research and Development
Health Care Financing
Maryland Department of Health
201 West Preston Street, 5th Floor
Baltimore, MD 21201
Delivered electronically

Dear Ms. Goodman,

On behalf of Johns Hopkins Medicine (JHM), I appreciate the opportunity to provide comments supporting the draft Maryland HealthChoice Program §1115 Waiver Renewal Application. JHM serves thousands of Medicaid recipients throughout Maryland and remains deeply committed to ensuring these patients have access to high-quality care. The Maryland Department of Health (MDH) should be applauded for its work on this application, as the programs outlined in the application do an excellent job of achieving MDH's defined goals.

JHM supports both programs in this application and would like to highlight the importance of the waiver for the CMS "Four Walls Requirement." The flexibilities regarding location granted under this waiver are essential for continuing the robust telehealth access that currently exists in the State of Maryland.

Over the last three years, since the start of the pandemic, our providers have conducted almost 2 million telehealth visits, and this modality of care represents approximately 13% of current ambulatory care volume at JHM. During this time frame, telemedicine visits were more common among patients from historically marginalized groups (telemedicine accounted for 14% of visits with patients self-identifying as Black/African American vs 13% of visits with patients self-identifying as White, 15% of visits with patient enrolled in Medicaid vs 13% of visits with privately insured patients). Around half of providers offer some amount of telehealth access to patients for a majority of our specialties including psychiatry, primary care, oncology, neurology, and genetics. In our experience, most patients are seeking telehealth services from new or established regional providers with whom they also seek in person visits when clinically indicated. In practice, we have found that patients benefit from the ability to receive telehealth services in a variety of settings (at home, from the parking lot of a school or library, in a work office, etc.). We find that providers benefit from location flexibility as well. A majority of our providers choose either their own homes or a work office as a location to deliver telehealth service ([Hasselfeld et al 2023](#)).

If the waiver does not continue, we will need to require that either the provider or the patient be in the facility at the time the telehealth services is delivered. This challenge would be operationally burdensome and sometimes infeasible (some specialties have given up in person clinical space) and will thus limit the availability of telehealth visits to patients.

We are, therefore, encouraged that through this extension request, Maryland Medicaid recognizes that patients and providers benefit from telehealth location flexibility.

JHM appreciates your consideration of these comments and is happy to provide any information to help secure the requested waiver extension. If JHM can provide any additional information regarding this topic, please contact Annie Coble, Maryland State Affairs, at annie.coble@jhu.edu.

Sincerely,

A handwritten signature in cursive script, appearing to read 'H.K. Hughes MD MPH', with the letters 'MD' written in a smaller font at the end of the signature.

Helen Kinsman Hughes, MD MPH
Medical Director, Office of Telemedicine
Johns Hopkins Medicine
Medical Director of Pediatric Telemedicine
Johns Hopkins Children's Center
Assistant Professor of Pediatrics, Division of General Pediatrics
The Johns Hopkins University School of Medicine

September 18, 2023

Laura Goodman
Division Chief
Office of Innovation, Research and Development
Office of Health Care Financing
Maryland Department of Health
201 West Preston Street
Room 224
Baltimore, MD 21201

Sent via email to mdh.healthchoicerenewal@maryland.gov.

Re: Maryland §1115 Waiver Amendment Application

Dear Ms. Goodman,

Thank you for the opportunity to comment on the Maryland Department of Health (MDH)'s section 1115 waiver amendment application for the HealthChoice program. The Legal Action Center (LAC) is a non-profit law and policy organization that fights discrimination, builds health equity, and restores opportunities for individuals with substance use disorders, arrest and conviction records, and HIV/AIDS. LAC convenes the Maryland Parity Coalition and works throughout the state to improve access to substance use disorder and mental health treatment and reduce barriers to care in public and private insurance.

LAC supports MDH's amendment requests to (1) adopt on a permanent basis the temporary 1135 waiver of the Four Walls Requirement and allow clinics to bill telehealth services at the standard rates and (2) establish express lane eligibility for certain adults who qualify for Medicaid based on Supplemental Nutrition Assistance program (SNAP) verified income.

Telehealth is an important tool to help Marylanders access the mental health and substance use disorder treatment they need. Maryland has been hit especially hard by the opioid epidemic, with drug overdose death rates increasing from 11.7 per 100,000 in 2011 to 42.8 per 100,000 in 2021.¹ There is a growing disparity in overdose-related deaths in the Black community, with a rise in overdose deaths among non-Hispanic Black Marylanders by 64.5% between 2016 to 2020, compared to 15.3% among non-Hispanic white Marylanders.² Rates of mental illness and substance use disorders are most prevalent among nonelderly adults with Medicaid.³ While close to 20% of the State is in a mental health care health

¹ Mental Health in Maryland, KFF <https://www.kff.org/statedata/mental-health-and-substance-use-state-fact-sheets/maryland/> (accessed Sept. 11, 2023).

² Maryland Opioid Operational Command Center, "Review of Demographic Overdose Trends in Maryland by Local Jurisdiction," (Mar. 2023) <https://beforeitstoolate.maryland.gov/wp-content/uploads/sites/34/2023/03/OOCC-Grants-Reference-Demographic-Information-.pdf>.

³ Mental Health in Maryland, *supra* note 1.

professional shortage area, the recent shift toward telemedicine for mental health services is helping to bridge the gap for many Marylanders who may otherwise not be able to access the mental health and substance use disorder treatment they need.⁴

The Maryland General Assembly has extended telehealth coverage in Medicaid at parity for the next two years (SB 534), and this waiver of the Four Walls Requirement is necessary to truly effectuate that legislation. We also wish to note that Maryland law requires the State Medicaid program to reimburse for health care services that can be appropriately provided through telehealth, including treatment for substance use disorders and mental health conditions, and the State must issue regulations to limit any access to telehealth. § 15-141.2(b), (c), (h). As MDH and the Behavioral Health Administration continue to consider which services may be appropriately provided via telehealth, they must comply with appropriate administrative procedures and further ensure that any changes or limitations comply with the Mental Health Parity and Addiction Equity Act.

While many beneficiaries will continue to choose in person services, it is vital that the State continue to make telehealth as accessible as possible to ensure continuity of care. The permanent extension of the waiver of the Four Walls Requirement will help more Marylanders continue to access substance use disorder and mental health care in the way that best meets their needs. Similarly, removing unnecessary barriers to Medicaid enrollment, especially during this period of unwinding, will alleviate financial obstacles to treatment.

Thank you for considering our comments. If you have any questions, please contact Deborah Steinberg at dsteinberg@lac.org.

Sincerely,



Deborah Steinberg, J.D.
Senior Health Policy Attorney
Legal Action Center
810 First Street NE, Suite 200
Washington, DC 20002
dsteinberg@lac.org

⁴ *Id.*



MDH HealthChoiceRenewal -MDH- <mdh.healthchoicere renewal@maryland.gov>

Comments on Maryland's Sec. 1115 Waiver Application

Deborah Steinberg <dsteinberg@lac.org>

Mon, Sep 18, 2023 at 2:31 PM

To: "mdh.healthchoicere renewal@maryland.gov" <mdh.healthchoicere renewal@maryland.gov>

Cc: Ellen Weber <eweber@lac.org>

Dear Ms. Goodman,

Thank you for the opportunity to provide comments on the Maryland Department of Health's section 1115 waiver amendment application. We appreciate the Department's ongoing work to make health care more affordable and accessible for all Marylanders. I have attached our comments from the Legal Action Center, and we would be happy to discuss further or answer any questions.

Thank you,
Deborah

Deborah Steinberg, J.D. (*she/her*)

Senior Health Policy Attorney

Legal Action Center

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Washington, DC 20002

(202) 544-5478 x 305

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www.lac.org**LAC - MD 2023 1115 Waiver Comments rev.pdf**

147K



To: Laura Goodman, Maryland Department of Health

From: Robyn Elliott on behalf of the Maryland Assembly on School-Based Health Care

Date: September 18, 2023

RE: Proposed Amendment to Maryland's 1115 Waiver Regarding the Four-Wall Rule

The Maryland Assembly on School-Based Health Care strongly supports the Department of Health's request to CMS to lift the four-walls rule through an amendment to the State's 1115 Waiver. Under the four-wall rule, Medicaid can only reimburse a clinic for telehealth services if either the provider or patient is within the "four-walls" of the facility. This restriction does not reflect the delivery care models of today.

At the core, we do not believe students should have to be within the four-walls of a school-based health center to receive services. Such a policy is detrimental to the student's health, as providers will not be able to serve students when they out of school because they are sick or for family reasons.

Providers may not be within the four-walls of a school-based health center for a number of reasons. They could be temporarily be working from home because they are sick or isolating because of COVID exposure. There are also several models of care where providers may permanently work at another location. These models include hub-and-spoke and all-telehealth models. The School-Based Health Alliance recently highlighted these innovative models in the "School-Based Telehealth Playbook" as part of the Youth Safety Net Model.ⁱ

Thank you for the Department's commitment to continuing to advance telehealth models of care by requesting CMS to suspend the four-walls rule in Maryland. If we can provide any more information that is helpful, please contact me at relliott@policypartners.net.

ⁱ <https://tools.sbh4all.org/telehealth/program-models/>



Maryland Community Health System

To: Laura Goodman, Maryland Department of Health

From: Robyn Elliott on behalf the Maryland Community Health System

Date: September 19, 2023

RE: Proposed 1115 Waiver Amendment Regarding the Four-Wall Rule

Maryland Community Health System (MCHS) strongly supports the Department of Health's request to CMS for a permanent suspension of the four-walls rule. The rule restricts Medicaid reimbursement for telehealth service. For certain types of clinics, the telehealth service must be delivered while either the provider or the patient is within the four-walls of the facility.

The four-wall rule does not apply to telehealth services provided by federally qualified health centers. However, MCHS is still deeply concerned about the impact of the rule on underserved communities. The rule severely limits the ability of community health centers to work with providers outside their areas. For example, a school-based health center may not be able to utilize a child psychiatrist from another region, as the provider would never be within its four-walls.

We appreciate the Department's continued support of telehealth innovation. If we can provide any further information on why the four-wall rule should be rescinded, please contact me at relliott@policypartners.net.



Maryland
Hospital Association

October 2, 2023

Laura Goodman

Office of Innovation, Research and Development, Office of Health Care Financing
Maryland Department of Health
201 West Preston Street, Room 224
Baltimore, Maryland 21201

Re: Comments on Maryland § 1115 Waiver Amendment Application

Dear Ms. Goodman:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on Maryland Medicaid's § 1115 Waiver Amendment Application. MHA supported Senate Bill (SB) 26, which established the Express Lane Eligibility (ELE) program, and provided principal support for passage of the Preserve Telehealth Access Acts of 2021 and 2023. Both provisions of the waiver amendments align with MHA's priority to increase access to health care for all Marylanders, especially among vulnerable populations and communities with barriers to in-person care.

MHA led multiple legislative and policy initiatives to expand coverage for telehealth in Maryland, regardless of payer. We recognize Medicaid must adhere to federal regulations governing clinics, including provider and/or patient location, and we commend Medicaid for submitting this amendment to align with the Preserve Telehealth Access Act of 2021's statutory requirements removing originating and distant site requirements. This exception will boost patient access to services they otherwise may not have been able to obtain and allow providers flexibility, which is a critical tool to combat provider burnout and workforce shortages.

Although we recognize the state's limited role in Medicare policies, we would like to highlight one continued disparity that remains: providers for Medicare patients will continue to be bound by geographic restrictions if Congress does not make federal telehealth flexibilities permanent. We would appreciate the state's assistance to ensure all payer policies are aligned on telehealth to maximize patient care and minimize administrative burdens on providers. Thank you for your continued partnership. If you have any questions, please contact Diana Hsu. (dhsu@mhaonline.org).

Sincerely,

Erin Dorrien
Vice President, Policy