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State/Territory Name: Maryland

State Plan Amendment (SPA) #: 25-0001

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) Form CMS-179
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
601 E. 12th St., Room 355
Kansas City, Missouri 64106



Medicaid and CHIP Operations Group

May 19, 2025

Ryan Moran
Medicaid Director
Maryland Department of Health
201 W. Preston St., 5th Floor
Baltimore, MD 21201

Re: Maryland State Plan Amendment (SPA) 25-0001

Dear Medicaid Director Moran:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 25-0001. This amendment proposes to waive the Four Walls requirement for outpatient mental health clinics.

We conducted our review of your submittal according to statutory requirements in Title XIX of the Social Security Act. This letter informs you that Maryland's Medicaid SPA TN 25-0001 was approved on May 19, 2025, effective January 3, 2025.

Enclosed are copies of the Form CMS-179 and the approved SPA pages to be incorporated into the Maryland State Plan.

If you have any questions, please contact Talbatha Myatt at 215-861-4259, or via email at Talbatha.Myatt@cms.hhs.gov.

Sincerely,

A solid black rectangular box redacting the signature of Shantrina Roberts.

Shantrina Roberts, Acting Director
Division of Program Operations

Enclosures

**TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES**

1. TRANSMITTAL NUMBER

2 5 — 0 0 0 1

2. STATE

MD3. PROGRAM IDENTIFICATION: TITLE OF THE SOCIAL
SECURITY ACT

XIX



XXI

TO: CENTER DIRECTOR
CENTERS FOR MEDICAID & CHIP SERVICES
DEPARTMENT OF HEALTH AND HUMAN SERVICES

4. PROPOSED EFFECTIVE DATE

January 3, 2025

5. FEDERAL STATUTE/REGULATION CITATION

42 CFR 447.204 1905(a)(9) of the Act and 42CFR 440.90

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 2026 \$ 0b. FFY 2026 \$ 0

NUMBER OF THE PLAN SECTION OR ATTACHMENT

Attachment 3.1A pg. 22-22-7 (25-0001)

8. PAGENUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable)

Attachment 3.1A pg. 22 (17-0009)

Attachment 3.1A pg. 22-A (17-0009)

Attachment 3.1A pg. 22-B (12-02)

Attachment 3.1A pg. 22-C (14-012)

Attachment 3.1A pg. 22-C1 (14-012)

Attachment 3.1A pg. 22-C2 (14-012)

Attachment 3.1A pg. 22-E (13-04)

9. SUBJECT OF AMENDMENT

Maryland is amending the State Plan to waive the Four Walls requirement for outpatient mental health clinics.

10. GOVERNOR'S REVIEW (Check One)



GOVERNOR'S OFFICE REPORTED NO COMMENT



COMMENTS OF GOVERNOR'S OFFICE ENCLOSED



NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL



OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL

12. TYPED NAME

Tricia Roddy

13. TITLE

Deputy Medicaid Director

14. DATE SUBMITTED

2/19/2025

15. RETURN TO

Ryan Moran

Medicaid Director

Maryland Department of Health

201 W. Preston St., 5th Floor

Baltimore, MD 21201

FOR CMS USE ONLY

16. DATE RECEIVED

02/19/2025

17. DATE APPROVED

05/19/2025

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

01/03/2025

19. SIGNATURE OF APPROVING OFFICIAL

20. TYPED NAME OF APPROVING OFFICIAL

Shantrina Roberts

21. TITLE OF APPROVING OFFICIAL

Acting Director, Division of Program Operations

22. REMARKS

5-7-25 State authorized pen and ink change to update box 5 to reflect regulation citation, box 7 to add missing SPA pages and box 8 to add superseded SPA pages.

State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services

The state provides coverage for this benefit as defined at section §1905(a)(9) of the Social Security Act (the Act) and 42 C.F.R. 440.90 and as described as follows:

General Assurances

[Select all three checkboxes below.]

- ☒ The state assures services are furnished by a facility that is not part of a hospital in accordance with 42 C.F.R. 440.90.
- ☒ The state assures that services are furnished by facilities that are organized and operated to provide medical care to outpatients in accordance with 42 C.F.R. 440.90.
- ☒ The state assures that services are furnished under the direction of a physician or dentist in accordance with 42 C.F.R. 440.90(a).

Types of Clinic Services and Limitations in Amount, Duration, or Scope

[Select if applicable, describe below, and indicate if limits may be exceeded based upon state determined medical necessity criteria.]

- ☒ Limitations apply to all services within the benefit category.

The following services are not covered:

- Any services identified by the Department as not medically necessary or not covered;
- Investigational and experimental drugs and procedures;
- Immunizations required for travel outside the Continental U.S.;

PRA Disclosure Statement - This use of this form is mandatory and the information is being collected to assist the Centers for Medicare & Medicaid Services in implementing section §1905(a)(9) of the Social Security Act. Under the Privacy Act of 1974, any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 #91). Public burden for all of the collection of information requirements under this control number is estimated to take about 25 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

TN: 25-0001

Approval Date: May 19, 2025

Supersedes TN: 17-0009

Effective: January 3, 2025

[Enter Supplement or Addendum if applicable]

Attachment 3.1-A

22-1

State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services

-Visits solely for group or individual health education;
-Services not approved by a licensed physician or other licensed practitioner of the healing arts, within the scope of his or her practice under State law; and
-Services beyond the provider's scope or practice.

Types of Clinics and Services:

[Select all that apply and describe below as applicable]



Behavioral Health Clinics [Describe the types of behavioral health clinics below and select below if applicable.]:

Outpatient Mental Health Centers - a clinic that provides specialty mental health services



Limitations apply only to this clinic type within the benefit category. [Describe below and indicate if limits may be exceeded based upon state determined medical necessity criteria.]



IHS and Tribal Clinics [Select below if applicable.]:



Limitations apply only to this clinic type within the benefit category. [describe below and indicate if limits may be exceeded based upon state determined medical necessity criteria].

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State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services



Renal Dialysis Clinics [Select below if applicable.]:



Limitations apply only to this clinic type within the benefit category.
[Describe below and indicate if limits may be exceeded based upon
state determined medical necessity criteria.]

Free-Standing Dialysis Facility Services - a facility that provides dialysis services. Covered services include: 1) hemodialysis; 2) peritoneal dialysis; 3) continuous ambulatory peritoneal dialysis; 4) continuous cycling peritoneal dialysis; 5) home dialysis training; 6) laboratory services; and 7) drugs and supplies.



Other Clinics [Describe the types of clinics, if any limitations apply,
and select below if applicable.]:

Local Health Departments - a division of local government responsible for the oversight and medical care relating to public health.

General Clinics - general medical practice run by one or more general practitioners and/or internal medicine providers.

Family Planning Clinics - a clinic that provides reproductive health services.

Ambulatory Surgery Centers

A. The Ambulatory Surgery program covers medically necessary facility

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State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services

services rendered to recipients in a free-standing Medicare-certified ambulatory including:

- (1) Diagnostic, curative, palliative, or rehabilitative services, when clearly related to the recipient's individual needs;
- (2) Surgical procedures which meet Medicare standards; and
- (3) Dental services performed by a dentist.

Free-standing Urgent Care Centers:

A. The Program covers medically necessary services rendered to recipients in a Free-standing urgent care center, defined as diagnostic, palliative, or rehabilitative services, when clearly related to the recipient's individual needs and includes:

- (1) Treatment for acute illnesses with a sudden onset;
- (2) Minor trauma;
- (3) Physician services.



Limitations apply only to this clinic type within the benefit category.

[Describe below and indicate if limits may be exceeded based upon state determined medical necessity criteria.]

Ambulatory Surgery Centers

The Maryland Medicaid Ambulatory Surgery program does not cover the following services in a free-standing Medicare certified ambulatory surgical center:

- (1) Services not medically necessary;
- (2) Investigational and experimental drugs and procedures;
- (3) Physician's services (including surgical procedures and all preoperative and postoperative services performed by a physician);

PRA Disclosure Statement - This use of this form is mandatory and the information is being collected to assist the Centers for Medicare & Medicaid Services in implementing section §1905(a)(9) of the Social Security Act. Under the Privacy Act of 1974, any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 #91). Public burden for all of the collection of information requirements under this control number is estimated to take about 25 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services

- (4) Anesthesia services;
- (5) Radiology services other than those integral to performance of a covered surgical procedure;
- (6) Diagnostic procedures other than those directly related to a covered surgical procedure;
- (7) Ambulance services;
- (8) Leg, arm, back and neck braces other than those that serve the function of a cast or splint;
- (9) Artificial Limbs; or
- (10) Non-implantable prosthetic devices and DME.

Freestanding Urgent Care Centers

The following services are not covered:

- (1) Any service or treatment identified by the Department that is not medically necessary;
- (2) Experimental or investigational services;
- (3) Immunizations required for travel outside the Continental U.S.;
- (4) Well child visits;
- (5) Sports physicals.

PRA Disclosure Statement - This use of this form is mandatory and the information is being collected to assist the Centers for Medicare & Medicaid Services in implementing section §1905(a)(9) of the Social Security Act. Under the Privacy Act of 1974, any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 #91). Public burden for all of the collection of information requirements under this control number is estimated to take about 25 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services

Four Walls Exceptions

The state assures that the following services may be furnished outside of the clinic. **[Select the first and second checkbox; Do not select the second checkbox if the state does not enroll IHS or Tribal facilities as providers of clinic services.]**

- ☒ Services furnished outside the clinic, by clinic personnel under the direction of a physician, to an eligible individual who does not reside in a permanent dwelling or does not have a fixed home or mailing address in accordance with 42 C.F.R. 440.90(b).
- ☐ Services furnished outside a clinic that is a facility of the Indian Health Service, whether operated by the Indian Health Service (IHS) or by a Tribe or Tribal organization (as authorized by the Indian Self-Determination and Education Assistance Act (ISDEAA), Pub. L. 93-638), by clinic personnel under the direction of a physician in accordance with 42 C.F.R. 440.90(c).

The state elects to cover the following services outside of the clinic **[Select all that apply.]**:

- ☒ Services furnished outside of a clinic that is primarily organized for the care and treatment of outpatients with behavioral health disorders, including mental health and substance use disorders, by clinic personnel under the direction of a physician in accordance with 42 C.F.R. 440.90(d) **[Describe the types of behavioral health clinics such exception applies to below.]**

Outpatient Mental Health Centers, including those Local Health Departments that have been certified as an Outpatient Mental Health Center and enrolled in the Maryland Medical Assistance Program to bill as an Outpatient Mental Health Center.

PRA Disclosure Statement - This use of this form is mandatory and the information is being collected to assist the Centers for Medicare & Medicaid Services in implementing section §1905(a)(9) of the Social Security Act. Under the Privacy Act of 1974, any personally identifying information obtained will be kept private to the extent of the law. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. The OMB control number for this project is 0938-1148 (CMS-10398 #91). Public burden for all of the collection of information requirements under this control number is estimated to take about 25 hours per response. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to CMS, 7500 Security Boulevard, Attn: Paperwork Reduction Act Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

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[Enter Supplement or Addendum if applicable]

Attachment 3.1-A

22-6

State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services

☐ Services furnished outside of a clinic that is located in a rural area and is not a rural health clinic (as referenced in section §1905(a)(2)(B) of the Act and 42 C.F.R. 440.20(b) of this subpart) by clinic personnel under the direction of a physician in accordance with 42 C.F.R. 440.90(e) [Select one of the checkboxes below and describe the definition of a rural area that applies to this exception.]:

☐ A definition adopted and used by a federal governmental agency for programmatic purposes [Describe below.]:

☐ A definition adopted by a state governmental agency with a role in setting state rural health policy [Describe below.]:

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TN: 25-0001

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Effective: January 3, 2025

[Enter Supplement or Addendum if applicable]

Attachment 3.1-A

22-7

State Plan under Title XIX of the Social Security Act

State/Territory: Maryland

Section 1905(a)(9) Clinic Services

The state attests that [Select the checkbox if the state elects to cover services outside of a clinic that is located in a rural area.]:

- ☐ The selected definition of a rural area best captures the population of rural individuals that meets more of the four criteria that mirror the needs and barriers to access experienced by individuals who are unhoused:
- The population experiences high rates of behavioral health diagnoses or difficulty accessing behavioral health services;
 - The population experiences issues accessing services due to lack of transportation;
 - The population experiences a historical mistrust of the health care system; and
 - The population experiences high rates of poor health outcomes and mortality.

Additional Benefit Description (Optional)

At its option the state may provide additional descriptive information about the benefit, beyond what is included in the federal statutory and regulatory definitions and descriptions. [Describe below.]:

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