

Table of Contents

State/Territory Name: Maryland

State Plan Amendment (SPA) #: 25-0007

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 29, 2025

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

Re: Maryland State Plan Amendment (SPA) 25-0007

Dear Medicaid Director Moran:

The Centers for Medicare & Medicaid Services (CMS) reviewed your Medicaid State Plan Amendment (SPA) submitted under transmittal number (TN) 25-0007. This amendment proposes to add the recently signed intra-agency agreement between Maryland Medicaid and the Office of HealthCare Quality (OHCQ) to the Maryland State Plan.

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 25-0007 was approved on May 29, 2025, effective February 19, 2025.

Enclosed are copies of the Form CMS-179 and 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 large 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 7

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

February 19, 2025

5. FEDERAL STATUTE/REGULATION CITATION

42 CFR 447.201

6. FEDERAL BUDGET IMPACT (Amounts in WHOLE dollars)

a. FFY 2025 \$ 0b. FFY 2026 \$ 0

7. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT

~~Attachment 4.11 pg. 1-3 (25-0007)~~

Attachment 4.16C pg. 1-3 (25-0007)

8. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION
OR ATTACHMENT (If Applicable)~~Attachment 4.11 pg. 1-3 (NEW)~~

Attachment 4.16C pg. 1-3 (NEW)

9. SUBJECT OF AMENDMENT

The purpose of this amendment is to add the recently signed intra-agency agreement between Maryland Medicaid and the Office of HealthCare Quality (OHCQ) to the State Plan.

10. GOVERNOR'S REVIEW (Check One)



GOVERNOR'S OFFICE REPORTED NO COMMENT



COMMENTS OF GOVERNOR'S OFFICE ENCLOSED

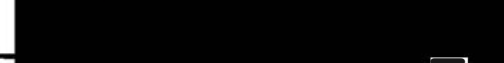


NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL



OTHER, AS SPECIFIED:

11. SIGNATURE OF STATE AGENCY OFFICIAL



12. TYPED NAME

Tricia Roddy

13. TITLE

Deputy Medicaid Director

14. DATE SUBMITTED

3-15-25

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

03/13/2025

17. DATE APPROVED

05/29/2025

PLAN APPROVED - ONE COPY ATTACHED

18. EFFECTIVE DATE OF APPROVED MATERIAL

02/19/2025

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

3-15-25-state requested a pen and ink change to Box 7 to reflect Attachment 4.16C pg. 1-3 (25-0007) and Box 8 to reflect Attachment 4.16C pg. 1-3 (NEW)

**INTRAGENCY AGREEMENT
BETWEEN
MARYLAND MEDICAL ASSISTANCE PROGRAM
AND
OFFICE OF HEALTHCARE QUALITY**

This Intra-agency Agreement (“Agreement”) is made effective this 19th day of February, 2025, by and between the Maryland Medical Assistance Program within the Office of Health Care Financing (“Medicaid”), and the Office of Healthcare Quality (“OHCQ”), both of which are offices within the executive agency, the Maryland Department of Health (the “Department,” or “MDH”).

WHEREAS, Section 1902(a)(9) of the Social Security Act (42 U.S.C. § 1396a(a)(9)) requires that Maryland’s State Plan for medical assistance must designate the State health agency, or other appropriate State medical agency, that shall be responsible for establishing and maintaining health standards for private or public institutions in which Medicaid recipients under the plan may receive services; and

WHEREAS, the OHCQ is the agency within the Department charged with monitoring the quality of care in Maryland’s health care facilities and community-based programs through surveying, licensing, certification, and enforcement activities;

WHEREAS, in accordance 42 U.S.C. § 1396a(a)(9), Section 4.11 of the Maryland Medicaid State Plan designates the OHCQ as the State agency responsible for establishing and maintaining health standards for private or public institutions that provide services to Medicaid recipients; and

WHEREAS, 42 C.F.R. § 431.610(f) requires that the State Plan must provide for a formal written intra-agency arrangement between the Medicaid agency and the survey agency designated for establishing and maintaining health standards for institutions providing services to Medicaid recipients that covers the activities of the survey agency in carrying out its responsibilities; and

WHEREAS, the Maryland Department of Health wishes to formalize the arrangement it intends to utilize to ensure that health and safety standards are met for all institutions providing services to Medicaid recipients, whereby the Medicaid will rely on the OHCQ’s pre-existing inspection and licensure activities to satisfy the health and safety requirement outlines in 42 U.S.C. § 1396a(a)(9) and 42 C.F.R. § 431.610.

NOW, THEREFORE, the parties hereto agree as follows:

I. TERMS

- A. OHCQ will perform its pre-existing and established oversight, inspection, and licensure duties for health care institutions in Maryland as required under the Health-General Article and pursuant to the delegation of authority by the Secretary of Health and Human Services by the Agreement made under Section 1864 of the Social Security Act (42 U.S.C. § 1395aa) (the “1864 Agreement”). These include conducting various types of surveys to determine compliance with federal and state regulations, conducting certification and recertification activities on behalf of the Centers for Medicare and

Medicaid Services (“CMS”), issuing State licenses that authorize a facility or program to do business in Maryland, and pursuing enforcement and/or disciplinary action against facilities that have fallen out of compliance with state or federal regulations.

- B. OHCQ agrees that, in carrying out the duties described in paragraph I.A, above, its inspectors surveying the premises of a provider will complete inspection reports, note on completed reports whether or not each requirement for which an inspection is made is satisfied, and document deficiencies in reports. OHCQ further agrees that it will keep on file all information and reports used in determining whether participating facilities meet Federal requirements, and will make all such information and reports required under this Agreement readily accessible to HHS and the Medicaid agency as necessary for meeting other requirements under the State plan; and for purposes consistent with the Medicaid agency's effective administration of the program.
- C. Medicaid will rely on OHCQ's oversight, inspection, and licensure activities for the purpose of ensuring that established health and safety standards are met for institutions providing services to Medicaid recipients in accordance with 42 U.S.C. § 1396a(a)(9) and 42 C.F.R. § 431.610. Specifically, Medicaid will rely on an institution's licensure and certification status with OHCQ as the determinative factors for whether requisite health and safety standards are met.
- D. Both Medicaid and OHCQ agree that the federal requirements and the forms, methods and procedures that the CMS Administrator designates will be used to determine provider eligibility and certification under Medicaid.
- E. OHCQ acknowledges that Medicaid will rely on OHCQ's determinations and assessments for this purpose.

II. EFFECTIVE DATE, TERMINATION, AND AMENDMENTS

- A. This Agreement shall be effective upon its full execution by the parties, and supersede any and all previous agreements between Maryland Medicaid and OHCQ.
- B. This Agreement shall remain in full force and effect until terminated by either Medicaid or the OHCQ in writing; provided, however, that this Agreement will terminate immediately if changes in relevant federal and state law and/or regulations and/or provisions of the Maryland Medicaid State Plan render performance hereunder illegal or impossible.
- C. This Agreement may only be amended by written agreement of both DHS and MDH.

III. ADMINISTRATORS

All questions or concerns regarding any matter arising under or relating to this Agreement should be directed to the parties' respective administrators:

For Medicaid: Charles Crisp
Director of Medicaid Provider Services
(410) 767-1488
charles.crisp@maryland.gov

For OHCQ: Tia Witherspoon-Udocox
Executive Director
(410) 402-8556
lauren.murray@maryland.gov

IV. MISCELLANEOUS

- A. Nothing in this Agreement may be construed as abrogating the responsibilities imposed by any other agreements entered into by Medicaid, OHCQ, or MDH.
- B. This Agreement shall be governed and construed in accordance with the laws of the State of Maryland.

V. SIGNATURES

On behalf of the parties, the signatories below agree to the terms and conditions of this Agreement. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement.

FOR MEDICAID:



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

2/18/2024

Date

FOR OHCQ:



Tia Witherspoon-Udocox
Executive Director
OHCQ

02.19.2025

Date