

HOUSE BILL 1217

J1

6lr2432
CF SB 899

By: Delegates Sample–Hughes, Angel, Cullison, Hayes, Haynes, Hill, Jacobs, Kelly, Krimm, Lam, Oaks, Otto, Patterson, Reznik, Tarlau, ~~and Turner~~ Turner, Queen, Hammen, Barron, Bromwell, Kipke, Krebs, McDonough, McMillan, Miele, Morgan, Morhaim, Pena–Melnik, Pendergrass, Rose, Saab, West, and K. Young

Introduced and read first time: February 12, 2016

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Specialty Mental Health and Substance**
3 **Use Disorder Services – Parity**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
5 regulations necessary to ensure that the Maryland Medical Assistance Program is
6 in compliance with certain federal laws; providing that the Department is not
7 required to adopt certain regulations for certain changes; requiring the regulations
8 to include standards regarding treatment limitations for specialty mental health and
9 substance use disorder services that comply with the federal laws and relate to
10 certain items; providing that the treatment limitations comply with the federal laws
11 if certain factors used in applying a treatment limitation meet certain requirements
12 for medical and surgical services; and generally relating to the Maryland Medical
13 Assistance Program and compliance with federal laws relating to specialty mental
14 health and substance use disorder services.

15 BY adding to
16 Article – Health – General
17 Section 15–103.6
18 Annotated Code of Maryland
19 (2015 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 **15-103.6.**

5 (A) (1) ~~ON~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR
6 BEFORE JUNE 30, 2017, THE DEPARTMENT SHALL ADOPT REGULATIONS
7 NECESSARY TO ENSURE THAT THE PROGRAM IS IN COMPLIANCE WITH THE FEDERAL
8 MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL
9 PATIENT PROTECTION AND AFFORDABLE CARE ACT.

10 (2) THE DEPARTMENT IS NOT REQUIRED TO ADOPT REGULATIONS
11 UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR ANY CHANGE THAT MAY BE MADE
12 THROUGH A PROCESS OTHER THAN THE REGULATORY PROCESS.

13 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION
14 SHALL INCLUDE STANDARDS REGARDING TREATMENT LIMITATIONS FOR SPECIALTY
15 MENTAL HEALTH AND SUBSTANCE USE DISORDER SERVICES THAT COMPLY WITH
16 THE FEDERAL MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT AND THE
17 FEDERAL PATIENT PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY
18 THE FEDERAL HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010, AND
19 RELATE TO:

20 (1) **THE SCOPE OF BENEFITS FOR:**

21 (i) **TELEHEALTH SERVICES; AND**

22 (ii) **RESIDENTIAL TREATMENT PROGRAMS THAT ARE NOT**
23 **INSTITUTIONS FOR MENTAL DISEASE;**

24 (2) **SERVICE NOTIFICATION AND AUTHORIZATION REQUIREMENTS;**

25 (3) **LICENSED SPECIALTY MENTAL HEALTH OR SUBSTANCE USE**
26 **DISORDER PROGRAM BILLING FOR:**

27 (i) **SERVICES PROVIDED BY PHYSICIANS, ADVANCED PRACTICE**
28 **NURSES, AND PHYSICIAN ASSISTANTS;**

29 (ii) **SERVICES PROVIDED BY A LICENSED SPECIALTY MENTAL**
30 **HEALTH OR SUBSTANCE USE DISORDER PROGRAM AT A LOCATION THAT IS NOT THE**
31 **PRIMARY LOCATION AT WHICH THE PROGRAM IS LICENSED; AND**

1 (III) SEPARATE LEVELS OF SERVICE PROVIDED WITHIN A SINGLE
2 DAY OR WEEK; AND

3 (4) REIMBURSEMENT RATES.

4 (C) THE TREATMENT LIMITATIONS FOR SPECIALTY MENTAL HEALTH AND
5 SUBSTANCE USE DISORDER SERVICES COMPLY WITH THE FEDERAL MENTAL
6 HEALTH PARITY AND ADDICTION EQUITY ACT AND THE FEDERAL PATIENT
7 PROTECTION AND AFFORDABLE CARE ACT, AS AMENDED BY THE FEDERAL HEALTH
8 CARE AND EDUCATION RECONCILIATION ACT OF 2010, IF THE OPERABLE
9 PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR OTHER FACTORS USED IN
10 APPLYING A TREATMENT LIMITATION TO SPECIALTY MENTAL HEALTH OR
11 SUBSTANCE USE DISORDER SERVICES, AS WRITTEN AND APPLIED, ARE
12 COMPARABLE TO AND NO MORE RESTRICTIVE THAN, AND ARE APPLIED NO MORE
13 STRINGENTLY THAN, THE PROCESSES, STRATEGIES, EVIDENTIARY STANDARDS, OR
14 OTHER FACTORS USED IN APPLYING THE TREATMENT LIMITATION TO MEDICAL AND
15 SURGICAL SERVICES.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2016.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.