

Subtitle 09 MEDICAL CARE PROGRAMS

10.09.54 Home/Community Based Services Waiver for Older Adults

Authority: Health-General Article, §§2-104(b), 15-103, 15-105, and 15-132,
Annotated Code of Maryland

Notice of Proposed Action

[09-390-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .33 under **COMAR 10.09.54 Home/Community-Based Services Waiver for Older Adults**.

Statement of Purpose

The purpose of this action is to include transition services language to payment procedures. In addition, the proposal will add budget limitation language to payment procedures, will maintain rates at Fiscal Year 2009 levels during the period July 1, 2009 through September 30, 2009, and will reduce provider reimbursement rates by 2 percent effective October 1, 2009.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There will be no Fiscal Year 2010 rate increases on July 1, 2009, and rates will be reduced by 2 percent effective October 1, 2009.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E-)	\$2,041,019
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups: Older Adults Waiver Providers	(-)	\$2,041,019
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. and D. Under the provisions of the proposed amendments, instead of increasing by 1.2 percent based on the Consumer Price Index, provider rates will remain unchanged during the period July 1, 2009 through September 30, 2009, and will be reduced by 2 percent during the period October 1, 2009 through June 30, 2010. Provider

reimbursement is therefore projected to be \$74,459,381, instead of \$76,500,400 for Fiscal Year 2010, resulting in a decrease in program expenditures of \$2,041,019. Approximately 62 percent of this amount is federal funds.

Economic Impact on Small Businesses

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Provider rates will be reduced by 2 percent effective October 1, 2009; therefore, small businesses that provide waiver services will have a decrease in revenue.

Impact on Individuals with Disabilities

The proposed action has an impact on individuals with disabilities as follows:

The proposed action will affect rates to providers of services to individuals with disabilities, but no impact on access or availability of services is anticipated.

Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 512, Baltimore, Maryland 21201, or call 410-767-6499, or email to regs@dhmh.state.md.us, or fax to 410-333-7687. Comments will be accepted through January 4, 2010. A public hearing has not been scheduled.

.33 Payment Procedures.

A.—B. (text unchanged)

C. Payments.

(1)—(2) (text unchanged)

(3) The Program's maximum rates as specified in §C(4)—(9) and (12)—(14) of this regulation shall be effective November 1, 2008 [and] *through September 30, 2009. The rates shall be reduced by 2 percent effective October 1, 2009, and the resulting rates shall [automatically] increase on July 1 of each year beginning July 1, [2009,] 2010, subject to the limitations of the State budget, by the lesser of:*

(a)—(b) (text unchanged)

(4)—(16) (text unchanged)

(17) Transition Services. A qualified provider shall bill the Department:

(a) The lesser of the amount approved by the Department or its usual and customary charge to the general public for the service provided, including the cost of installation, if appropriate; and

(b) In accordance with Regulation .32H of this chapter.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

