



DEPARTMENT OF HEALTH

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

May 12, 2023

Shannon Hall
Community Behavioral Health Association of Maryland
18 Egges Lane
Catonsville MD 21228
shannon@mdbh.org

Dear Ms. Hall:

Thank you for submitting comments regarding the proposed regulatory changes to COMAR 10.09.49 Telehealth Services. Please see the Department's responses to your comments below:

Delete "convenience" from the medical necessity standard

Maryland Medicaid agrees with the recommendation to remove the pertinent language from the medical necessity standards within the telehealth regulation. This language mirrors the medical necessity definition in COMAR 10.09.36.01 General Medical Assistance Provider Participation Criteria - Definitions, and is not intended to restrict telehealth usage.

Audio-only Telehealth

The regulation is written to adhere to statute, which specifically states that audio-only should be allowed for a specified period to enable further study. The regulation will be updated to comply with legislative action as necessary.

Definition of telehealth services through sub-regulatory guidance

Within Medicaid, each program must determine service requirements that are more specific than what is referenced in either the telehealth or the specific program chapters and regulations of COMAR. CPT codes, of which there are thousands, are updated annually by the American Medical Association. Putting service delivery rules (including telehealth) for every code into COMAR is infeasible and would require a regulation change each time a new code is added or changed. Because of the volume of CPT codes, it is essential that service policies are set and clarified at the subregulatory level. Medicaid program staff carefully evaluate service criteria for specific services. This evaluation is not intended to limit services, but rather to evaluate the appropriateness of service delivery.

Incorporate statutory limitations to ensure that reimbursement for telehealth services is not reduced relative to in-person services

This concern is already addressed in the existing language within COMAR 10.09.49.03B.

Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ben Wolff', with a stylized flourish at the end.

Benjamin Wolff
Policy, Compliance & Clinical Quality Improvement
Office of Medicaid Provider Services (MPS)