



STATE OF MARYLAND

DHMH
Office of Health Services
 Medical Care Programs 1-800-685-5861

Maryland Department of Health and Mental Hygiene
 201 W. Preston Street • Baltimore, Maryland 21201

Parris N. Glendening, Governor - Georges C. Benjamin, M.D., Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM
EPSDT: PRIVATE DUTY NURSING SERVICES TRANSMITTAL NO.4
MODEL WAIVER NURSING SERVICES TRANSMITTAL NO.18

April 10, 2000

 EPSDT: Private Duty Nurses
 Model Waiver Nurses
 REM/SLM Private Duty Nurses

FROM: Joseph Mill Executive Director
 Office of H rvice

NOTE: Please ensure that appropriate staff members in your organization are informed about the contents of this transmittal.

 Proposed Amendments to:
 COMAR 10.09.53 EPSDT: Private Duty Nursing

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The Maryland Medical Assistance Program has amended, through the emergency process, Regulation .07 under COMAR 10.09.53 Early and Periodic Screening, Diagnosis and Treatment (EPSDT): Private Duty Nursing Services effective January 1, 2000. The amendments, as printed in the Maryland Register, are being proposed for permanent adoption.

The amendments increase the existing Private Duty Nursing (PDN) fees under the EPSDT Program and effect the reimbursement rates for PDN providers rendering services to adults enrolled in the Model Waiver Program and the Rare and Expensive Case Management (REM) Program. The proposed amendments, as published in the Maryland Register, are attached to this transmittal.

Model Waiver Nursing

|       |         |                            |
|-------|---------|----------------------------|
| W1605 | \$28.20 | One Hour - One Recipient   |
| W1606 | \$14.10 | Half Hour - One Recipient  |
| W1602 | \$19.50 | One Hour - Two Recipients  |
| W1603 | \$ 9.75 | Half Hour - Two Recipients |

EPSDT - Private Duty Nursing

|       |         |                            |
|-------|---------|----------------------------|
| W1901 | \$28.20 | One Hour - One Recipient   |
| W1902 | \$14.10 | Half Hour - One Recipient  |
| W1909 | \$19.50 | One Hour - Two Recipients  |
| W1910 | \$ 9.75 | Half Hour - Two Recipients |

REM Private Duty Nursing

|       |         |                            |
|-------|---------|----------------------------|
| W9231 | \$28.20 | One Hour - One Recipient   |
| W9232 | \$14.10 | Half Hour - One Recipient  |
| W9233 | \$19.50 | One Hour - Two Recipients  |
| W9234 | \$ 9.75 | Half Hour - Two Recipients |

The effective date for this increase is January 1, 2000. Maryland Medicaid reimbursement standards require that the PDN provider receive preauthorization prior to rendering service and that the provider's usual and customary charge be billed to the Program for rendered services. Program payment will be made at the lesser of the billed amount or the Program's fee for the service.

Additionally, the EPSDT Private Duty Nursing regulation, COMAR 10.09.53, was amended effective July 1, 1999. These amendments affected the following areas: definitions(.01); conditions for participation(.03); covered services(.04); limitations(.05); and preauthorization requirements(.06).

Questions concerning this transmittal should be directed to the Chief, Division of Community-Based Nursing Services at (410)767-1448.

# Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE

## Subtitle 09 MEDICAL CARE PROGRAMS

### 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing

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

#### Notice of Proposed Action

[00-032-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .07 under COMAR 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing.

#### Statement of Purpose

The purpose of this action is to increase private duty nursing fees by 20 percent. Increasing these fees will provide an incentive for existing providers to remain as a participating Program provider and will also act as an incentive to recruit new providers. Currently, there is a near critical status of accessible providers for some of the Program's most medically fragile population. Approval of this increase will encourage provider participation and eliminate the reinstitutionalization of approximately 20 percent of this vulnerable population.

#### Comparison to Federal Standards

There is a corresponding federal standard to this proposed regulation, but the proposed regulation is not more restrictive or stringent.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The amendments will increase the existing PDN fees by 20 percent to ensure access of care to Medicaid's medically fragile recipients. These rates would be closer in amount to the fees established by Maryland's contiguous states.

#### II. Types of Economic Impacts.

|                                             | Revenue (R+R-)<br>Expenditure (E+E-) | Magnitude   |
|---------------------------------------------|--------------------------------------|-------------|
| A. On issuing agency:                       | (E+)                                 | \$4,471,390 |
| B. On other State agencies:                 | NONE                                 |             |
| C. On local governments:                    | NONE                                 |             |
|                                             | Benefit (+)<br>Cost (-)              | Magnitude   |
| D. On regulated industries or trade groups: | (+)                                  | \$4,471,390 |
| 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. An estimated 49 of approximately 243 children in the EPSDT, REM, and Model Waiver Programs for medically fragile recipients may be institutionalized at an additional cost of approximately 5,810,621 to the Medicaid Hospital Program during FY 2001 if the PDN rates are not raised. Funding of the PDN rate increase of 20 percent will increase the current payments by an estimated \$4,471,390 for the same time period. It is more cost effective to al-

low for the PDN rate increase to help keep our recipients under the care of private duty nurses than to have them placed in institutions for their care. The economic impact includes a 50 percent federal funding match.

D. The proposed PDN fee increase will assist Medicaid in retaining current providers and recruiting new ones that are needed to care for this Medically fragile population.

#### Economic Impact on Small Businesses

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

The proposed action has a meaningful economic impact on small business because it increases the fees paid by Medicaid to private duty nurses.

#### Opportunity for Public Comment

Comments may be sent to Michele Phinney, Regulations Coordinator, Department of Health and Mental Hygiene, Room 521, 201 West Preston Street, Baltimore, Maryland 21201, or fax to (410) 333-7687, or call (410) 767-6499. These comments must be received by February 28, 2000.

#### .07 Payment Procedures.

A. (text unchanged)

B. Payment to a provider of private duty nursing services may not exceed the following fee schedule:

- (1) (text unchanged)
- (2) [\$23.50] \$28.20 per hour for skilled nursing services provided to one participant;
- (3) [\$32.50] \$39 per hour for skilled nursing services provided to two or more participants in the same residence;
- (4) [\$11.75] \$14.10 per half-hour for skilled nursing services provided to one participant; and
- (5) [\$16.25] \$19.50 per half-hour for skilled nursing services provided to two or more participants in the same residence.

C. — D. (text unchanged)

GEORGES C. BENJAMIN, M.D.  
Secretary of Health and Mental Hygiene

## Subtitle 27 BOARD OF NURSING

### ~~10.27.22 Multistate Licensure Compact Regulations~~

~~Authority: Health Occupations Article, §§8-7A-01 — 8-7A-05,  
Annotated Code of Maryland~~

#### ~~Notice of Proposed Action~~

~~[00-039-P]~~

~~The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01 — .04 under a new chapter, COMAR 10.27.22 Multistate Licensure Compact Regulations. This action was considered by the Board of Nursing at a public meeting held September 28, 1999, notice of which was given by publication in 26:19 Md. R. 1486 (September 10, 1999), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.~~

#### ~~Statement of Purpose~~

~~The purpose of this action is to establish uniform regulations to facilitate and coordinate implementation of the Multistate Licensure Compact.~~