



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

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

**MARYLAND MEDICAL ASSISTANCE PROGRAM**  
**Model Waiver Program Transmittal No. 27**  
**EPSDT: Private Duty Nursing Services Transmittal No. 31**  
**December 27, 2007**

**TO:** Model Waiver Nursing Providers  
EPSDT Private Duty Nursing Providers

**FROM:** Susan J. Tucker, Executive Director  
*Susan J. Tucker*  
Office of Health Services

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

**RE:** Proposed Amendments to COMAR 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT): Private Duty Nursing

**WRITTEN COMMENTS TO:**  
Michele Phinney  
201 West Preston Street, Room 512  
Baltimore, Maryland 21201  
FAX: 410-767-6843 or call  
410-767-6499 or  
1-877-4MD- DHMH extension 6499

**PROGRAM CONTACT PERSON:**  
Nancy Cutair, Division Chief  
Division of Nursing Services  
410-767-1448 or  
1-877-4MD-DHMH extension 1448  
**Comment Period Expires: January 22, 2008**

The Maryland Medical Assistance Program is proposing to amend Regulations .01, .03 — .05 and .07 under COMAR 10.09.53 Early and Periodic Screening, Diagnosis, and Treatment (EPSDT): Private Duty Nursing. A copy of the proposed amendments, as printed in the December 21, 2007 issue of the Maryland Register, is attached.

The proposed amendments are intended to eliminate the newborn early discharge assessment as a covered service under this regulation because it is now provided as a covered service under COMAR 10.09.04 Home Health Services. Additionally, the proposed changes delete all language requiring a nurse to sign his or her nursing license to coincide with the Board of Nursing's discontinuation of issuing a hard copy license.

Attachment

## 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

[07-314-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulations .01, .03—.05, and .07 under **COMAR 10.09.53 Early Periodic Screening, Diagnosis, and Treatment: Private Duty Nursing**.

#### Statement of Purpose

The purpose of this action is to delete all language requiring the nurse to sign his or her license to coincide with the Board of Nursing's discontinuation of issuing a hard copy license. Nursing licenses are now verified electronically. Additionally, the Department proposes to eliminate the newborn early discharge assessment as a covered service under this chapter since it is now provided as a covered service under COMAR 10.09.04 Home Health Services.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Michele Phinney, Director, Office of Regulations and Policy Coordination, DHMH, 201 W. Preston St., Room 512, Baltimore, MD 21201, or call 410-767-6499, or email to [regs@hnh.state.md.us](mailto:regs@hnh.state.md.us), or fax to 410-333-7687. Comments will be accepted through January 22, 2008. A public hearing has not been scheduled.

#### **.01 Definitions.**

A. (text unchanged)

B. Terms Defined.

(1)—(10) (text unchanged)

[(11) "Newborn early discharge assessment" means a visit to the newborn infant and postpartum mother to observe and assess the health status of both the newborn and the mother.]

[(12)] (11)— [(27)] (26) (text unchanged)

#### **.03 Conditions for Participation.**

Requirements for participation in private duty nursing services are that a provider shall:

A.—C. (text unchanged)

D. Ensure that each nurse rendering services to a participant:

(1) Has a valid [signed], unrestricted nursing license to provide nursing services in the jurisdiction in which services are rendered;

(2)—(11) (text unchanged)

E.—F. (text unchanged)

G. Maintain a personnel folder at the agency's business office for each nurse which shall include the following:

(1) A copy of the nurse's [signed] *verified*, current license;

(2)—(5) (text unchanged)

H.—O. (text unchanged)

#### **.04 Covered Services.**

A.—C. (text unchanged)

[D. The Program covers a provider's newborn early discharge assessment visit to a participant, when the assessment:

- (1) Is 4 hours or less;
- (2) Is ordered by a physician, certified nurse midwife, or nurse practitioner;
- (3) Is delivered to a participant and a participant's mother who have been discharged within 48 hours after delivery;
- (4) Occurs within 36 hours after discharge;
- (5) Includes:

(a) An evaluation of the presence of immediate problems of dehydration, sepsis, infection, jaundice, respiratory distress, cardiac distress, or other adverse physical symptoms of the infant;

(b) An evaluation of the presence of immediate problems of dehydration, sepsis, infection, bleeding, pain, or other adverse physical symptoms of the mother;

(c) Collection of a blood specimen for newborn screening as described in COMAR 10.52.12.02;

(d) An evaluation of risk factors that identify biological factors for the infant, maternal health behaviors, psychosocial environmental problems, or any other concerns or problems perceived by the private duty nurse that are identified on a form specified by the Department; and

(e) Referrals for any continuing health care services, including services for postpartum women and children under COMAR 10.09.38.04, skilled nursing services under this regulation, or home health under COMAR 10.09.04.04; and

(6) Is conducted by a registered nurse.]

[E.] D. (text unchanged)

#### **.05 Limitations.**

A. Under this chapter, the Program does not cover the following:

(1)—(12) (text unchanged)

[(13) Newborn early discharge services provided more than one time to a recipient;]

[(14)] (13)—[(17)] (16) (text unchanged)

[(18)] (17) Services provided by a nurse who does not possess a valid, current, [signed,] unrestricted nursing license to provide nursing services in the jurisdiction in which services are rendered;

[(19)] (18)—[(23)] (22) (text unchanged)

B. (text unchanged)

[C. A provider may not bill for a newborn early discharge assessment visit provided on the same day as services billed under COMAR 10.09.38, or as other services billed under this chapter.]

#### **.07 Payment Procedures.**

A.—D. (text unchanged)

[E. Payment to a provider of newborn early discharge assessment services may not exceed \$100 for that service.]

JOHN M. COLMERS  
Secretary of Health and Mental Hygiene