



STATE OF MARYLAND

**DHMH**Office of Health Services  
Medical Care ProgramsMaryland Department of Health and Mental Hygiene  
201 W. Preston Street - Baltimore, Maryland 21201

Robert L. Ehrlich, Jr., Governor - Nelson J. Sabatini, Secretary

**MARYLAND MEDICAL ASSISTANCE PROGRAM****Managed Care Organization Transmittal No. 42****May 5, 2003**

**TO:** Managed Care Organizations

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

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

**RE:** Proposed Amendments to HealthChoice Regulations

**ACTION:**  
Proposed Regulations**EFFECTIVE DATE:**

**WRITTEN COMMENTS TO:**  
Michele Phinney  
201 W. Preston St., Rm. 538  
Baltimore, MD 21201  
Fax (410) 767-6483 or call  
(410) 767-6499 or  
1-877-4MD-DHMH extension 6483

**PROGRAM CONTACT:**  
Division of HealthChoice Management  
(410) 767-1482 or call  
1-877-4MD-DHMH extension 1482

**COMMENT PERIOD EXPIRES: May 19, 2003**

The Secretary of Health and Mental Hygiene proposes to amend Regulation .21 under COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations.

The proposed amendment will change the per-visit reimbursement rates for medical and dental services that a Managed Care Organization (MCO) shall reimburse a Federally Qualified Health Center (FQHC) with which it sub-contracts. The new per visit reimbursement rate for Medicaid covered services other than dental is \$61.55 and the new per-visit rate for dental services is \$15.96.

The proposed amendment, as published in the April 18, 2003 Maryland Register, is attached.

Attachment

ter receipt of this information, the committee shall make a recommendation to the full Board.

CHARLES E. MALOY  
Chairman  
Board for Professional Land Surveyors

**Subtitle 19 COMMISSION OF REAL ESTATE APPRAISERS AND HOME INSPECTORS — REAL ESTATE APPRAISERS**  
**09.19.05 Code of Ethics**

Authority: Business Occupations and Professions Article, §16-208(a), 16-216, 16-220, and 16-503(f), Annotated Code of Maryland

**Notice of Proposed Action**  
[03-074-P-1]

The Commission of Real Estate Appraisers and Home Inspectors proposes to amend Regulation .01 under COMAR 09.19.05 Code of Ethics. This action was taken at a public meeting of the Board held December 10, 2002, notice of which was given in 29:23 Md. R. 1876 (November 15, 2002), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to amend and incorporate by reference the updated 2003 Uniform Standards of Professional Appraisal Practice, which was enacted by the Appraisal Standards Board of the Appraisal Foundation, effective January 1, 2003.

**Comparison to Federal Standards**

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

**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.

**Opportunity for Public Comment**

Comments may be submitted to Charles O. Kazlo, Executive Director, Commission of Real Estate Appraisers and Home Inspectors, 500 N. Calvert Street, Room 302, Baltimore, MD 21202, or call (410) 230-6160, or fax to (410) 333-6314, or email to ckazlo@dillr.state.md.us. Comments must be received not later than 4 p.m., June 2, 2003. No public hearing has been scheduled.

**Open Meeting**

Final action will be considered and may be taken by the Commission of Real Estate Appraisers and Home Inspectors at a public meeting to be held on June 10, 2003, at 10:30 a.m., 500 N. Calvert Street, Baltimore, Maryland 21202, notice of which is given pursuant to State Government Article, §10-506, Annotated Code of Maryland.

**Editor's Note on Incorporation by Reference**

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Uniform Standards of Professional Appraisal Practice, 2003 Edition, (The Appraisal Foundation) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 30:2 Md. R. 68 (January 24, 2003). The document may also be inspected at the office of the Division of State Documents, 1700 Margaret Avenue, Annapolis, Maryland.

**.01 Incorporation by Reference.**

A. (text unchanged)

B. Document Incorporated. Uniform Standards of Professional Appraisal Practice [2002] 2003 Edition (The Appraisal Foundation), including Preamble, Ethics Provision, Competency Provision, Departure Provision, Jurisdictional Exception, Supplemental Standards, Definitions and Standards 1, 2, and 3 with all related Standard Rules, Statements on Appraisal Standards, Advisory Opinions, and index, is incorporated by reference.

RHONDA FRAMM,  
Chairman

Commission of Real Estate Appraisers  
and Home Inspectors

**Title 10**  
**DEPARTMENT OF**  
**HEALTH AND MENTAL HYGIENE**

**Subtitle 09 MEDICAL CARE PROGRAMS**

**10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations**

Authority: Health General Article, §15-103(e), Annotated Code of Maryland

**Notice of Proposed Action**  
[03-081-P]

The Secretary of Health and Mental Hygiene proposes to amend Regulation .21 under COMAR 10.09.65 Maryland Medicaid Managed Care Program: Managed Care Organizations.

**Statement of Purpose**

The purpose of this action is to change the per-visit reimbursement rate for medical and dental services a managed care organization (MCO) shall reimburse a federally qualified health center (FQHC) with which it subcontracts.

**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.

**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 email to [regs@dhhm.state.md.us](mailto:regs@dhhm.state.md.us), or call (410) 767-6499, or 1-877-4MD-DHMH, extension 6499. These comments must be received by May 19, 2003.

**.21 Payments to Federally Qualified Health Centers (FQHC).**

A. [An] *Effective January 1, 2003*, an MCO shall reimburse an FQHC with which it subcontracts at least [\$50.85] \$61.55 per visit for Medicaid covered services other than dental services.

B. [An] *Effective January 1, 2003*, an MCO shall reimburse an FQHC with which it subcontracts at least [\$15.49] \$15.96 per visit for dental services to recipients younger than 21 years old and to pregnant women.

C. — E. (text unchanged)

ARLENE H. STEPHENSON  
Acting Secretary  
Department of Health and Mental Hygiene

**Subtitle 34 BOARD OF PHARMACY****10.34.01 [Formal Hearings] Disciplinary Proceedings**

Authority: Health Occupations Article, §§12-313 and 12-315;  
State Government Article, §10-206;  
Annotated Code of Maryland

**Notice of Proposed Action**  
(03-062-P)

The Secretary of Health and Mental Hygiene proposes to repeal existing Regulations .01 — .07 and adopt new Regulations .01 — .15 under COMAR 10.34.01 Disciplinary Proceedings. This action was considered by the Board of Pharmacy at a public meeting held December 18, 2002, notice of which was given by publication in *The Sun*, Legal Notices Section, December 17, 2002, pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to expand and revise the current Board of Pharmacy regulations relating to disciplinary proceedings to clarify the procedures that will be followed if a complaint is filed against a licensee or permit holder, and to clarify the rights of the licensee or permit holder against whom a complaint has been filed.

**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.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Regulations Coordinator, Department of Health and Mental Hygiene, 201 W. Preston Street, Room 521, Baltimore, Maryland 21201, or fax to (410) 333-7687, or email to [regs@dhhm.state.md.us](mailto:regs@dhhm.state.md.us), or call (410) 767-6499 or 1-877-4MD-DHMH, extension 6499. These comments must be received by May 19, 2003.

**.01 Scope.**

*This chapter governs procedures for disciplinary matters and hearings before the Board.*

**.02 Definitions.**

A. *In this chapter, the following terms have the meanings indicated.*

**B. Terms Defined.**

(1) "Administrative law judge" means the hearing officer assigned to preside over a hearing in a case that the Board has delegated to the Office of Administrative Hearings under State Government Article, §10-205, Annotated Code of Maryland.

(2) "Administrative Procedure Act" means State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, which governs contested cases arising from charges issued by the Board.

(3) "Board" means the State Board of Pharmacy.

(4) "Case resolution conference" means a voluntary, informal, and confidential meeting between the parties to a contested case and the Board's case resolution conference committee to discuss possible settlement of a disciplinary matter pending before the Board.

(5) "Case resolution conference committee" means a committee comprised of one or more members of the Board who make recommendations to the Board regarding settlement of disciplinary matters.

(6) "Cease and desist letter" means a public letter issued by the Board ordering:

(a) A licensee to cease doing a specified activity; or

(b) An unlicensed person to cease the unauthorized practice of pharmacy or the unauthorized operation of a pharmacy.

(7) "Charges" means a nonpublic record issued by the Board which:

(a) Alleges conduct by a licensee that the Board believes constitutes a violation under the Maryland Pharmacy Act;

(b) Sets forth sections of the Maryland Pharmacy Act that the Board believes were violated; and

(c) Provides notice to the licensee of disciplinary proceedings before the board.

(8) "Complaint" means an allegation received by the Board that a licensee may have violated the Maryland Pharmacy Act, and which may be grounds for an investigation or disciplinary action by the Board.

(9) "Consent order" means a final order issued by the Board that has been negotiated and agreed to by both the licensee and the Board to resolve a formal disciplinary action.

(10) "Contested case" means a proceeding conducted under the Administrative Procedure Act.

(11) "Final order" means a public record issued by the Board resolving a formal disciplinary action by consent or after an adjudication, which:

(a) Denies a license;

(b) Sanctions by:

(i) Reprimand;