



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

February 21, 2025

Shannon Hall
Executive Director
Community Behavioral Health Association of Maryland

Dear Ms. Hall:

This letter is in response to your comments on Maryland Medicaid's proposed updates to COMAR 10.09.59 - Specialty Mental Health Services (Notice 24-213-P). Please note that the Department will be responding separately to your specific comments related to school-based behavioral health services submitted in response to Maryland Medicaid's proposed updates to this chapter and COMAR 10.09.50 - EPSDT School Health-Related Services or Health-Related Early Intervention Services (Notice 24-211-P).

The Department acknowledges your organization's recommendations for the Department to retain, rather than delete as proposed, and update the language in 10.09.59.04B(4) to reflect certain telehealth provisions for programs, including Assertive Community Treatment and Supported Employment (SE). After careful consideration, the Department intends to remove this sunsetted language as originally proposed. Telehealth flexibilities are articulated elsewhere within this chapter and align with the Preserve Telehealth Act of 2021 as well as subsequent iterations passed by the Maryland General Assembly. Specific to SE, Medicaid covers only clinic coordination; the Department has instituted no change to existing telehealth utilization for this service.

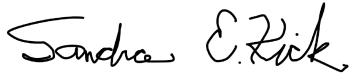
Regarding your concerns related to the proposed use of the term *sub-regulatory guidance* in COMAR 10.09.59.09F(3), the Department is in agreement with your recommendation that this language should be removed. The Department will amend the proposal for COMAR 10.09.59.09F(3) such that "any subregulatory guidance issued by the Department" is removed. The Department is in the process of updating the COMAR regulations to specify any limitations of telehealth services based on the clinical appropriateness of the service. Additionally, the

Department will be revising the Public Behavioral Health System (PBHS) Provider Manual, fee schedules, and the Maryland Medicaid Telehealth Program Policy Guide to reflect the current telehealth policies.

The Department understands your concerns regarding the proposed limitations to telehealth for certain services. The Department's clinical subject matter experts regularly review services for telehealth appropriateness. This proposal to update 10.09.59 reflects their clinical guidance related to the effectiveness of care and appropriateness of the service to lead to positive outcomes and aligns with the current telehealth coverage policy for mental health services.

The Department appreciates your interest and engagement in our efforts to improve the proposed COMAR 10.09.59 and Telehealth Services. We encourage the Community Behavioral Health Association of Maryland to continue to provide valuable feedback as we work to improve our regulations and guidance.

Regards,

A handwritten signature in black ink that reads "Sandra E. Kick". The signature is written in a cursive, flowing style.

Sandra Kick
Director, Office of Medical Benefits Management
Maryland Department of Health