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October 4, 2023

Stephen Liggett-Creel
Acting Executive Director of Social Services Administration
Maryland Department of Human Services
311 W. Saratoga Street
Baltimore MD 21201

Re: Rate Setting Regulation Review 14.31.04

Dear Stephen,

This letter responds to your email of September 28 and enclosed materials supporting rate reform for Maryland's child welfare programs.

The Community Behavioral Health Association of Maryland (CBH) is the leading voice for community-based providers of mental health and addiction-related services. Within the child welfare sector, CBH members deliver residential child care (RCC), treatment foster care (TFC) and independent living programs (ILPs) that would be impacted by the proposed rule changes.

CBH applauds the Department's leadership in advancing rate reform, and doing so in a systemic manner that prioritizes stakeholder engagement. While much remains unknown about rate reform, the current process and strong commitment to an effective feedback loop with the provider community has increased stakeholders' confidence.

To that end, we are broadly supportive of the regulatory changes to COMAR 14.31.04. CBH supports removal of preferred/nonpreferred provider status and removing the incorporation by reference of the Child Care Facilities Manual and Cost Guidelines, as well as other proposed changes to these regulations.

We note one area of concern. CBH supports deleting the incorporation by reference of the Manual and Guidelines (.03); providers want more dynamic policies, and this change will further that goal. However, in .04D, the proposed regulations will require provider applications to conform to the Manual and Guidelines, with an editorial note indicating that these documents will be updated annually.

While the Moore Administration has led a dynamic rate reform process that incorporates stakeholder feedback, future gubernatorial administrations may not share the same values. Thus, while we support

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deleting the incorporation of the Manual and Guidelines by reference, we recommend that some balancing safeguard of notice be incorporated into the proposed regulations around substantive changes to the Manual and Guidelines. We offer the following potential limitation for your consideration: “Conformance with Manual *and Cost Guidelines*. Provider applications shall conform to the requirements set forth in the Manual *and Cost Guidelines*, published no less than six months prior to the application submission deadline.” This modification to the regulation does not incorporate these documents by reference, but simultaneously gives the provider community a guaranteed period to respond to any future changes in workforce requirements or rates that could be incorporated in future modifications of the Manual or Cost Guidelines.

Thank you for soliciting and considering feedback from the provider community as you move forward with rate reform. We appreciate the Department’s prioritization of this critical effort and appreciate the opportunity to share our feedback with you. As always, please do not hesitate to reach out if you have any questions or need clarification of these comments.

Sincerely,

Shannon Hall
Executive Director