



## July 2020 Policy Report

*Starting this month, Public Policy Partners is launching a monthly state policy update for LCPCM's members. We hope members find these updates informative and useful in your practice.*

### *Maryland Board of Professional Counselors and Therapists*

**Staffing and Board Seats:** Over the past two months there have been several changes at the Board, including:

- **Board Members:** It was announced in June that Risa Ganel, LCMFT, recently stepped down as Board Chair. Jeffrey M. Galecki, MS, LCADC, LCPC, will be serving as Chair until fall elections can be held. He previously served as Vice Chair on the Board. In addition, Nicki Drotleff, LCMFT, who currently serves as Board Secretary will also serve as Vice Chair.
- **Board Staff:** It was announced in May that Kimberly Link would be stepped down as Executive Director. Then in June, it was announced that Danielle Vallone would be serving as Acting Executive Director. She previously served as an Investigator for the Board. Before recruiting a permanent replacement, the Board must receive approval for an exemption from the State hiring freeze, which was enacted after Governor Hogan declared a State of Emergency in March in response to the COVID-19 health emergency.

**Budget Cuts:** In June, Governor Hogan introduced a series of proposed budget cuts including several to the health occupation boards. This included \$1.5 million from the Board of Professional Counselors and Therapists. It was reported earlier this year that the Board was one of five boards that had a fund balance over \$1 million, far above what they were on target to spend in fiscal year 2021. Cutting Board funds requires the Maryland General Assembly to pass legislation, so as of now, no action can be taken until the General Assembly reconvenes next January.

**Licensure Exams:** Over the past several months, LCPCM has been closely monitoring the availability of graduating students to access a testing date required for state licensure. This was largely in response to the closure of testing sites for several weeks this past spring. We have been in regular communication with the Board, who last reported in late June that they had not received any recent reports of testing delays from applicants. If you are currently encountering a delay, we would encourage you to contact the Board by emailing Danielle Vallone, Acting Executive Director, at [danielle.vallone@maryland.gov](mailto:danielle.vallone@maryland.gov).

## Telehealth

Due to the COVID-19 state of emergencies at the federal and state levels, several rules for telehealth have been temporarily waived, allowing for greater access to behavioral health treatment during this time.

### Medicaid:

- **Federal Rule Changes:** The Centers for Medicare and Medicaid Services (CMS) is currently allowing the use of telephonic and non-HIPAA compliant video. These flexibilities are tied to the federal state of emergency, which is set to expire on July 24<sup>th</sup>. If the President does not revise the federal state of emergency, providers will no longer be able to provide telehealth through these mechanisms. CMS has already indicated that they are looking at making these changes permanent for Medicare. In the meantime, states have been communicating with CMS to also make these changes permanent for Medicaid. ***As a result, LCPCM signed onto a letter in June developed by the Behavioral Health Coalition to Maryland's Congressional Delegation asking for their support at the federal level.***
- **State Rule Changes:** In addition to the federal rule changes, Maryland Medicaid is also reimbursing the use of traditional (HIPAA compliant) telehealth platforms for services provided in a client's home. This is tied to Maryland's state of emergency. Medicaid is currently evaluating the use of the home as an "originating" site, acknowledging that it may be difficult to roll this back once Maryland's state of emergency is lifted.

**Private Insurance Carriers:** Currently, most private insurers have indicated plans to extend coverage for services through telehealth through the remainder of the summer. As policies may be different depending on the insurer, providers are encouraged to contact insurers directly to inquire about telehealth coverage.

## Behavioral Health Administration – Regulations

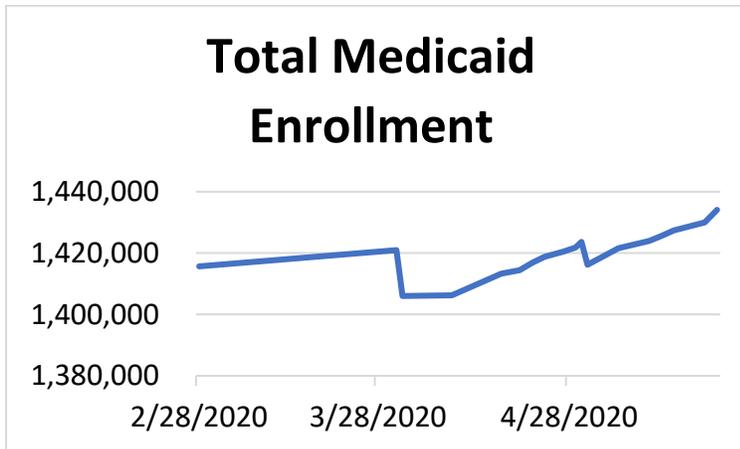
The Behavioral Health Administration (BHA) is proposing to amend regulations for behavioral health programs in Maryland. These regulations were originally drafted following the creation of the Administration and integration/oversight of mental health and substance use disorder services under one agency. BHA is currently accepting comments through July 30<sup>th</sup>. They are posted on [BHA's Regulations webpage](#).

## Medicaid Rates & Enrollment

**Rates:** In June, Governor Hogan proposed eliminating the 4% provider rate increase for FY 21 for behavioral health providers. Because this requires legislative action from the Maryland General Assembly, [Medicaid providers will receive the 4% rate increase starting July 1<sup>st</sup>](#). However, the Governor may still seek rate cuts mid-year when the General Assembly meets next.

This timeline gives LCPCM a greater opportunity to advocate on maintaining the 4% rate increase. All of these decisions may also be mitigated if state budget projections improve throughout the year and/or if the federal government provides additional aid to the states.

**Medicaid Enrollment & Trends:** Medicaid enrollment is coming close to 1.5 million people; the majority of new enrollments are from the MAGI population group. While this means increased access to care for more people, it will also increase Medicaid’s overall budget.



- Total enrollment as of 5/22/2020: 1,434,090
- Number of new participants since 2/28/2020: 18,459

- MAGI Adult Enrollment as of 5/22/2020: 577,168
- Number of new participants since 2/28/2020: 15,876

