



## November & December 2020 Policy Report

*Over the past two months Public Policy Partners (PPP) has ramped up activities in preparation for the 2021 legislative session. As outlined below, we are forecasting this to be one of the most unusual legislative sessions in history. In addition, we are very excited to announce a new project between LCPCM and PPP, which seeks to obtain Medicare reimbursement through a special waiver under Maryland's Total Cost of Care Model (previously known as the All Payer Model). Please stay tuned as this project progresses.*

### 2021 Legislative Session

**Format:** The [House](#) and [Senate](#) have announced their plans for the 2021 session. All committee hearings and proceedings will be virtual, while floor voting sessions will be in person. Of significance, Public Policy Partners (PPP) is expecting:

- Government buildings in Annapolis to be closed to the public
- Fewer bills to be introduced
- Session will have a robust start compared to previous years
- The House and Senate will limit how many witnesses can provide oral testimony
- The legislature will be reluctant to move bills out of committee where stakeholders are not already in agreement at the start of session

**Priority Areas:** The Maryland General Assembly has announced a focus on the following issue areas:

- The Operating Budget
- Veto Overrides (from 2020 session)
- COVID (Public Health, Housing/Utilities, etc.)
- Racial Equity

**Hot Topics:** PPP has already identified the following bills and budget items of significance to LCPCM:

- **Medicaid Rates:** In response to revenue shortfalls related to COVID, the Board of Public Works voted earlier this year to eliminate the 4% rate increase for Medicaid's Behavioral Health providers. This cut needs to be approved the legislature, meaning a mid-year rate reduction is still possible. In addition, PPP anticipates a robust debate on Medicaid rates for FY 22.

- Board of Professional Counselors – Budget Cuts: The Governor’s proposed cuts earlier this year also included transferring funds from several health occupation boards and other health programs to the general fund. This includes \$1.5 million from the Board of Professional Counselors and Therapists.
- Implicit Bias Training: Delegate Pena-Melnyk and Senator Griffith are planning on introducing a bill that mandates implicit bias training for health care professionals. After some initial feedback from PPP and other stakeholders, we anticipate the bill as introduced will require all licensed and certified health professionals to have implicit bias training with their next renewal cycle.
- Health Equity Commission/Data: Delegate Pena-Melnyk and Senator Griffith also plan on introducing two bills related to health equity:
  - State Commission: To provide a health equity lens to a broad range of state policies to ensure there is a coordinated approach in addressing social determinants of health.
  - Health Equity Data: Reinforces that state agencies need to share health equity data, as allowed by federal and state law, with the Office of Minority Health.
- Common Information Technology Platform for Health Occupations Boards: Delegate Krebs and Senator Eckardt plan to introduce a bill requiring the Department of Health to review the information technology platforms used by health occupation boards with the eventual goal of having a modern platform boards can share. A modern platform could eventually improve the functionality of the Board of Professional Counselors and Therapists, specifically transitioning from paper applications and improving the ability to analyze licensing data.

### *Professional Counselors – Interstate Compact*

We continue to await the final version of the Compact, which is anticipated to be released to states in December. Given the timeframe, it is increasingly unlikely that legislation would be put forth in 2021; however, the licensing board is planning to hold a December meeting primarily to discuss the compact. Stay tuned!

### *Licensing Regulations*

The Maryland Department of Health recently [posted a new LCPC Regulations Chapter](#) for public comment. This follows a multi-year drafting process of which LCPCM actively participated in. We anticipate the regulations could be finalized as early as late winter.

## ASO Functionality

In mid-November, the House and Senate both held briefings regarding the poor performance of Optum as the public behavioral health system's administrative service organization (ASO). Presentations were made by the Maryland Health Department, Optum, and provider representatives. Questions from committee members addressed accountability, progress, and demonstrated concern about the impact of the failed roll-out and its impact on the provider community and people in need of services. At both hearings, the Department was asked to provide updates when they provide their budget presentations during the 2021 legislative session. At that point, the legislature may decide to take further actions.

## Telehealth

The current federal Public Health Emergency Order is set to expire on January 20, 2021. Maryland Medicaid announced in November that they fully expect the order will be extended by another 90 days. This should trigger an extension of CMS' current telehealth rules providing for telephonic and non-HIPAA compliant telehealth platforms.

## Medicaid Enrollment

The chart below shows Medicaid Enrollment as of November 18, 2020. As you can see, enrollment continues to increase. As a reminder, Medicaid is deferring all redeterminations during the federal Public Health Emergency Order, resulting in participants who may no longer qualify remaining in the program.



