

# **AAHAM LEGISLATIVE UPDATES**

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Scott S. London, Esq.

Gustavo Matheus, Esq.



# SCOTT S. LONDON BIOGRAPHY

- President of London Eligibility, Inc.
- Attorney since 1996
- Certified Application Counselor
- AAHAM (American Association of Healthcare Administrative Management) Board Member and Legislative Liaison- MD Chapter
- NOSSCR (National Organization of Social Security Claimants' Representatives) – Member
- Former District 11 Team Slate Treasurer
- Licensed Health Insurance Agent
- MHBE Standing Advisory Committee



# GUSTAVO MATHEUS BIOGRAPHY

- Gustavo Matheus represents healthcare providers in areas involving reimbursement, denials and litigation.
- Gustavo believes every garden should have planted mint.
- He can't wait for AAHAM Maryland chapter's outdoor meeting in August.

# **HOSPITALS – FINANCIAL ASSISTANCE - MEDICAL BILL REIMBURSEMENT HB0694**

Requiring the Health Services Cost Review Commission, in coordination with the Department of Human Services, the State designated exchange, the Office of the Comptroller, and the Maryland Hospital Association, to develop a process for identifying patients who paid for hospital services but may have qualified for free care during calendar years 2017 through 2021 and for reimbursing the identified patients; requiring hospitals to implement the process by January 1, 2023, unless legislation is required for implementation of the process; etc.

# **INSURANCE – CONFORMITY WITH FEDERAL LAW – THE NO SURPRISES ACT AND OTHER PROVISIONS OF THE CONSOLIDATED APPROPRIATIONS ACT, 2021 SB0180**

Providing that the federal No Surprises Act and certain other provisions of the federal Consolidated Appropriations Act, 2021 regarding transparency apply to all insurers, nonprofit health service plans, and health maintenance organizations that deliver or issue for delivery in the State policies or contracts for a health benefit plan, blanket health insurance, or short-term limited duration insurance; and authorizing the Maryland Insurance Commissioner to enforce the Act.

# **MARYLAND MEDICAL ASSISTANCE PROGRAM - CHILDREN AND PREGNANT WOMEN (HEALTHY BABIES EQUITY ACT) HB1080**

Requiring the Maryland Medical Assistance Program to provide comprehensive medical care and other health care services to noncitizen pregnant women who would qualify for the Program but for their immigration status and their children up to the age of 1 year.

# **MARYLAND MEDICAL ASSISTANCE PROGRAM – DENTAL COVERAGE FOR ADULTS HB0006**

Requiring the Maryland Medical Assistance Program, beginning January 1, 2023, and subject to certain limitations, to provide dental services, including diagnostic, preventive, restorative, and periodontal services, for adults whose annual household income is at or below 133 percent of the federal poverty level; and repealing certain provisions of law requiring the implementation of a pilot program to provide limited dental coverage to adult recipients under the Program.

**MENTAL HEALTH LAW –  
PETITIONS FOR EMERGENCY EVALUATION –  
ELECTRONIC RECORD  
HB0032**

Authorizing a petition for emergency evaluation to be in the form of an electronic record and transmitted and received electronically.

**PUBLIC HEALTH –  
COMMISSION ON UNIVERSAL HEALTH CARE  
HB0610**

Establishing the Commission on Universal Health Care to develop a plan for the State to establish a universal health care program to provide health benefits to all residents of the State through a single-payer **SYSTEM**; requiring a member of the Commission to be subject to ethics laws and disclose certain other information related to ethics; and prohibiting a member of the Commission from being held personally liable for actions taken as a member under certain circumstances.

**DID NOT PASS – sent to Committee**

**CRIMINAL LAW –  
THREAT AGAINST PUBLIC HEALTH  
OFFICIAL OR HOSPITAL STAFF MEMBER  
HB0267**

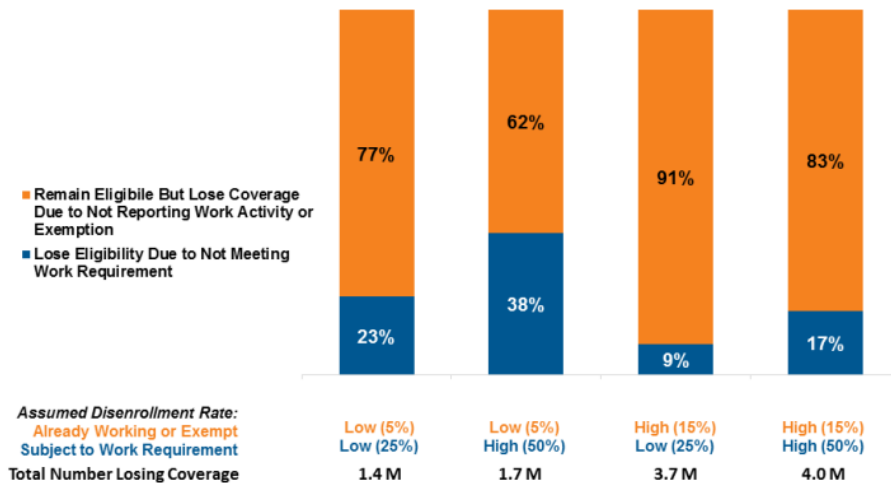
Prohibiting a person from making or sending a threat to a public health official with the intent to intimidate, interfere with, or impede a public health official from performing the official's duties; and providing that a person who violated the Act is guilty of a misdemeanor and subject to imprisonment of up to 90 days and a fine of up to \$500, or both.

**DID NOT PASS**

# Supreme Court throws out Medicaid work requirement cases

Figure 1

## Medicaid Disenrollment Due to Work Requirements under Different Scenarios



Assumed Disenrollment Rate:

Already Working or Exempt  
Subject to Work Requirement

Total Number Losing Coverage

Note: Components may not sum to totals due to rounding.  
Source: Kaiser Family Foundation analysis



# STATE MEDICAID WORK REQUIREMENTS REJECTED GRESHAM V. BECERRA (AZAR)

# **STATE MEDICAID WORK REQUIREMENTS REJECTED *GRESHAM V. BECERRA (AZAR)***

- Arkansas and Kentucky beneficiaries sued HHS
- Trump era demonstration project for states to imposed work requirements
  - 80 hours/month
  - documented
  - exceptions allowed

# STATE MEDICAID WORK REQUIREMENTS REJECTED *GRESHAM V. BECERRA (AZAR)*

- Federal D.C. Appellate Court:

“The district court is indisputably correct that **the principal objective of Medicaid is providing health care coverage**. The Secretary's discretion in approving or denying demonstrations is guided by the statutory directive that the demonstration must be ‘likely to assist in promoting the objectives’ of Medicaid.”

- Work requirement rule was arbitrary and capricious
- U.S. Supreme Court rejected appeal as moot

# Hospital Inpatient Proposed Rule Solicits Input On Slew Of Equity Goals

# MENTAL HEALTH PARITY BUDGET CMS' PATHWAY TO BETTER OVERALL HEALTH OUTCOMES **SOCIAL DETERMINANTS OF HEALTH**

- Economic stability
- Healthcare & quality
- Social community and interpersonal network
- Neighborhood and transportation
- Education – access and quality

## Equity Lenses

- Race
- Gender

“Close the gap”  
Maternal health  
Climate change

# INPATIENT PROPOSED RULE INCLUDES EQUITY GOALS

- Goal: lower rate of hospital readmissions
  - update Hospital Readmission Reduction Program
  - coding for Social Determinants of Health
- Homelessness / Stable Housing
  - discharge impacts – longer stays
- Food insecurity
- Maternal health
- Data collection and mitigation impacts
  - environmental inequities impact on health
  - climate change impact on vulnerable groups

# CMS Proposed Budget Includes Mental Health Care Reforms

# **CMS MENTAL HEALTH PARITY BUDGET**

## ***‘PATHWAY TO BETTER OVERALL HEALTH OUTCOMES’***

### **MEDICARE**

- Part of Pres. Biden’s national mental health agenda (*SOTU*)
- Eliminate financial barriers
  - $\geq 3$  Medicare behavioral visits w/o cost sharing
  - Increased access & compliance
  - To be extended to private payers
- Eliminate 190-day lifetime limit on psychiatric hospital stays
- CMS seeks flexible options to reduce health disparities
  - Billing by mental health paraprofessionals
  - Social Determinants of Health

# **CMS MENTAL HEALTH PARITY BUDGET**

## ***‘PATHWAY TO BETTER OVERALL HEALTH OUTCOMES’***

### **MEDICAID**

- Federally Qualified Health Centers & Rural Health Clinics
- Certified Behavioral Health Clinics
  - Family and marriage counselors
- Think: telemedicine
- Think: substance abuse care model
- Cost: \$24B over 10 years w/ \$7.5B in state grants

# HHS REPORT: MEDICARE ADVANTAGE ORGANIZATIONS IMPROPERLY DENY CLAIMS

- 18% of denied payment requests meet Medicare coverage and MAO billing rules
- 13% of auth requests are denied for services meeting traditional Medicare rules
  - MAOs demand *additional* documentation
  - services meet Medicare coverage criteria

# MD HMO PRIOR AUTH LAW

Md. Ins. Art. § 15-1009:

- Preauthorized services must be paid
- Even if info given or provided was wrong, or
- Planned treatment was not substantially followed
- If HMO would have otherwise approved

# MD HMO PRIOR AUTH LAW

Md. Ins. Art. § 15-1009:

- Does not apply to MCOs
- § 15-1005 applies to MCOs (Prompt Pay)
- § 15-1008 applies to MCOs (Retroactive denials)
- If HMO would have otherwise approved service

# MD HMO PRIOR AUTH LAW

## Prior Authorization Impacts on Md. Hospitals:

- Delays in care
- Denials

AAHAM needs your examples!

# **AAHAM LEGISLATIVE DAY IN WASHINGTON DC 6/21/22 AND 6/22/22**

- Surprise Billing
- Prior Authorization H.R.3173
- Medical Debt Reporting

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