

MARYLAND TOTAL COST OF CARE MODEL STATE AGREEMENT
Second Amendment

CMS hereby amends the Maryland Total Cost of Care Model State Agreement (“Agreement”) between the Centers for Medicare & Medicaid Services (“CMS”), and the Governor of Maryland, the Maryland Department of Health (“MDH”), and the Health Services Cost Review Commission (“HSCRC”) (collectively, the “State”) to modify the waiver specified in paragraph (j) of Appendix G of the Agreement.

Section 17(a) of the Agreement authorizes CMS to amend the Agreement without the consent of the State to comply with applicable federal law. On March 27, 2020, Congress passed and the President signed the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (the “CARES Act”). Sections 3708(a) and (b) of the CARES Act will allow physician assistants, nurse practitioners, and other professionals to certify beneficiary eligibility for home health services. As this provision, once implemented, will obviate the need for the waivers of Sections 1814(a)(2)(C) and 1835(a)(2)(A) of the Social Security Act and the implementing regulations at 42 CFR § 424.22 specified in paragraph (j) of Appendix G of the Agreement, added by the first amendment to the Agreement, CMS is further amending the Agreement to specify that these waivers shall be in effect only until the effective date of the regulations implementing Section 3708 of the CARES Act.

The Agreement is therefore amended as follows:

1. Appendix G. Paragraph (j) of Appendix G of the Agreement is hereby amended in its entirety to read as follows:

*j. **Conditions of and Limitations on Payment for Home Health Services.** Effective January 1, 2020, through the effective date of the regulations issued under section 3708(f) of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136, CMS waives Sections 1814(a)(2)(C) and 1835(a)(2)(A) of the Act and the implementing regulations at 42 CFR § 424.22, to allow Medicare payment for home health services if a nurse practitioner certifies or recertifies home health benefit eligibility for Maryland Medicare Beneficiaries only insofar as necessary for the purposes of testing this Model during the Agreement Term and only insofar as the State remains in compliance with the terms of this Agreement.*

2. Effective Date. This Amendment shall be effective when it is signed.
3. Effect of Amendment. All other terms and conditions of the Agreement shall remain in full force and effect. In the event of any inconsistency between the provisions of this amendment and the provisions of the Agreement, the provisions of this amendment shall prevail.

[SIGNATURE PAGE FOLLOWS]

CENTERS FOR MEDICARE & MEDICAID SERVICES

Date: _____

By: _____

Amy Bassano, Deputy Director, Center for Medicare and Medicaid Innovation