

# **Title 10 DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

## **Subtitle 37 HEALTH SERVICES COST REVIEW COMMISSION**

### **10.37.10 Rate Application and Approval Procedures**

Authority: Health-General Article, §§19-207, 19-212, and 19-219, Annotated Code of Maryland

On July 9, 2014, the Health Services Cost Review Commission adopted amendments to Regulations .26 under COMAR 10.37.10 Rate Application and Approval Procedures. This action, which was proposed for adoption in 41:9 Md. R. 530-531 (May 2, 2014), has been adopted as proposed.

Effective Date: August 4, 2014

JOHN M. COLMERS  
Chairman  
Health Services Cost Review Commission

[D.] F. — [R.] T. (text unchanged)

J. MICHAEL HOPKINS  
Executive Director

[P.] Q.—[T.] U. (text unchanged)

JOHN M. COLMERS  
Chairman  
Health Services Cost Review Commission

**Title 10**  
**DEPARTMENT OF HEALTH**  
**AND MENTAL HYGIENE**  
**Subtitle 37 HEALTH SERVICES COST**  
**REVIEW COMMISSION**

**10.37.01 Uniform Accounting and Reporting**  
**System for Hospitals and Related Institutions**

Authority: Health-General Article, §§19-207 and 19-212, Annotated Code of Maryland

**Notice of Proposed Action**  
[14-120-P]

The Health Services Cost Review Commission proposes to amend Regulation .03 under COMAR 10.37.01 **Uniform Accounting and Reporting Systems for Hospitals and Related Institutions**. This action was considered for promulgation by the Commission at a previously announced open meeting held on March 12, 2014, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland. If adopted, the proposed amendments will become effective on or about July 7, 2014.

**Statement of Purpose**

The purpose of this action is to require hospitals to submit to the Commission all data required for evaluation purposes in compliance with the January 1, 2014, All-Payer Model Agreement executed between the State of Maryland and the Center for Medicare and Medicaid Innovation.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Diana Kemp, Regulations Coordinator, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2576, or email to [diana.kemp@maryland.gov](mailto:diana.kemp@maryland.gov), or fax to 410-358-6217. Comments will be accepted through June 2, 2014. A public hearing has not been scheduled.

**.03 Reporting Requirements; Hospitals.**

A.—O. (text unchanged)

P. *All-Payer Model Agreement Data Requirements. Hospitals shall submit data in accordance with the requirements of the January 1, 2014 All-Payer Model Agreement executed between the State of Maryland and the Center for Medicare and Medicaid Innovation for evaluation purposes.*

**Subtitle 37 HEALTH SERVICES COST**  
**REVIEW COMMISSION**

**10.37.10 Rate Application and Approval**  
**Procedures**

Authority: Health-General, §§19-207, 19-212, and 19-219, Annotated Code of Maryland

**Notice of Proposed Action**  
[14-119-P]

The Health Services Cost Review Commission proposes to amend Regulation .26 under COMAR 10.37.10 **Rate Application and Approval Procedures**. This action was considered and approved for promulgation by the Commission at a previously announced open meeting held on March 12, 2014, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland. If adopted, the proposed amendments will become effective on or about July 7, 2014.

**Statement of Purpose**

The purpose of this action is to bring about greater uniformity in the calculation of current financing.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Diana Kemp, Regulations Coordinator, Health Services Cost Review Commission, 4160 Patterson Avenue, Baltimore, MD 21215, or call 410-764-2576, or email to [diana.kemp@maryland.gov](mailto:diana.kemp@maryland.gov), or fax to 410-358-6217. Comments will be accepted through June 2, 2014. A public hearing has not been scheduled.

**.26 Patient Rights and Obligations: Hospital Credit and**  
**Collection and Financial Assistance Policies.**

A.—A-2 (text unchanged)

B. Working Capital Differentials—Payment of Charges.

(1) A third-party payer may obtain a discount in rates established by the Commission if it provides current financing monies in accordance with the following terms.

(a)—(b) (text unchanged)

(c) Outstanding charges shall be calculated by an amount equal to the hospital's current average daily payment by the payer, multiplied by the hospital's and third party payer's processing and payment time. *The precise calculation shall be made in accordance with the guidelines specified by Commission staff.*

(d)—(e) (text unchanged)

(2)—(5) (text unchanged)

C. (text unchanged)

JOHN M. COLMERS  
 Chairman  
 Health Services Cost Review Commission

**Subtitle 44 BOARD OF DENTAL EXAMINERS**

**10.44.34 Ownership and Management of a Dental Practice**

Authority: Health Occupations Article, §4-101(l), Annotated Code of Maryland

**Notice of Proposed Action**  
 [14-115-P]

The Secretary of Health and Mental Hygiene proposes to adopt new Regulations .01—.05 under a new chapter, **COMAR 10.44.34 Ownership and Management of a Dental Practice**. This action was considered by the Board of Dental Examiners at a public meeting held on February 19, 2014, notice of which was given under the Notice of Public Meetings link on the Board's website pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

**Statement of Purpose**

The purpose of this action is to delineate what constitutes lawful and unlawful ownership and management of a dental practice.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed action.

**Estimate of Economic Impact**

The proposed action has no economic impact.

**Economic Impact on Small Businesses**

The proposed action has minimal or no economic impact on small businesses.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Michele Phinney, Director, Office of Regulation and Policy Coordination, Department of Health and Mental Hygiene, 201 West Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to dhmh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through June 2, 2014. A public hearing has not been scheduled.

**.01 Scope.**

*In Maryland only licensed dentists may own, manage, conduct, operate, or be the proprietor of a dental practice, regardless of how small the ownership interest. However there are an increasing number of nondentists who have become owners of dental practices or who are exercising unlawful authority or control over the clinical practice of dentistry in dental offices through the guise of "management". This chapter is intended to:*

- A. *Preserve a dentist's professional independence; and*
- B. *Address the concern that licensed dentists may be misrepresenting their alleged ownership in a dental practice.*

**.02 Definitions.**

A. *In this chapter, the following terms have the meaning indicated.*

**B. Terms Defined.**

(1) *"Ancillary personnel" means a dental hygienist, dental radiation technologist, dental assistant, or any other individual who provides clinical services in a dental office.*

(2) **Dentist.**

(a) *"Dentist" means an individual who holds an active general license to practice dentistry in Maryland.*

(b) *"Dentist" does not include an individual who in this State holds:*

- (i) *An inactive status registration certificate;*
- (ii) *A limited license;*
- (iii) *A teacher's license;*
- (iv) *A retired volunteer license;*
- (v) *A volunteer license; or*
- (vi) *A temporary volunteer license.*

(3) *"Person" means a natural person, partnership, professional association, professional corporation, limited partnership, limited liability company, trust, estate, corporation, association, unincorporated association, custodian, two or more persons having a joint or common interest, nominee, or any other individual, legal or commercial entity in its own or any representative capacity.*

(4) *"Practice dentistry" means to:*

(a) *Be a manager, a proprietor, or a conductor of or an operator in any place in which a dental service or dental operation is performed intraorally;*

(b) *Perform or attempt to perform any intraoral dental service or intraoral dental operation;*

(c) *Diagnose, treat, or attempt to diagnose or treat any disease, injury, malocclusion, or malposition of a tooth, gum, or jaw, or structures associated with a tooth, gum, or jaw if the service, operation, or procedure is included in the curricula of an accredited dental school or in an approved dental residency program of an accredited hospital or teaching institution;*

(d) *Perform or offer to perform dental laboratory work;*

(e) *Place or adjust a dental appliance in a human mouth; or*

(f) *Administer anesthesia for the purposes of dentistry and not as a medical specialty.*

**.03 Prohibitions.**

A. *Only a dentist shall own, manage, conduct, operate, or be the proprietor of a dental practice.*

B. *A dentist may not falsely represent to the Board that the dentist is an owner or has an ownership interest in a dental practice.*

C. *A dentist shall be solely responsible for patient management.*

D. *Only a dentist shall exercise authority or control over the clinical practice of dentistry.*

E. *The Board shall deem that a person is exercising authority or control over the clinical practice of dentistry if the person, by agreement, lease, policy, understanding, or other arrangement, exercises authority or control over:*

(1) *A finding, decision, or recommendation of a dentist regarding a course or alternative course of treatment for a patient;*

(2) *The procedures or materials to be used as all or a part of a course of treatment, or the manner in which a course of treatment is to be implemented by a dentist, or other ancillary personnel;*

(3) *The length of time a dentist or a dental hygienist spends treating or consulting with a patient;*

(4) *Conditions on the number of patients a dentist or a dental hygienist may treat in a certain period of time;*

(5) *Communications that the dentist has with patients that are clinical in nature;*

(6) *The clinical practice of a dental hygienist regarding appropriate dental hygiene treatment;*