



**MEDICAL CARE POLICY ADMINISTRATION  
DEPARTMENT OF HEALTH AND MENTAL HYGIENE**

201 WEST PRESTON STREET • BALTIMORE, MARYLAND 21201

Parris N. Glendening  
Governor

Martin P. Wasserman, M.D., J.D.  
Secretary

**MARYLAND MEDICAL ASSISTANCE PROGRAM  
Personal Care Services Transmittal No. 33**

June 29, 1998

**TO:** Personal Care Case Monitoring Agencies  
Personal Care Provider Agencies

**FROM:** Joseph M. Millstone, Director  
Medical Care Policy Administration

**NOTE:** Please ensure that appropriate staff members in your organization are informed of the contents of this transmittal.

**RE:** Proposed Amendments to Personal Care Services Regulations - Fee Increase

**ACTION:**  
Emergency Regulations  
Proposed Regulations

**EFFECTIVE DATE:**  
7/1/98  
1/1/99

**WRITTEN COMMENTS TO:**  
Michele Phinney, 201 W. Preston St., Rm 538  
Baltimore, Maryland 21201  
Fax (410) 767-6483 or call  
(410) 767-6499

**PROGRAM CONTACT PERSON:**  
Douglas C. Sommers, Chief  
Division of Long Term Care Services  
(410) 767-1444

**COMMENT PERIOD EXPIRES August 17, 1998**

The Maryland Medical Assistance Program has adopted through the emergency process, Regulations .01, .03, .05 and .07 under COMAR 10.09.20 - Personal Care Services. These amendments will be effective July 1, 1998. The Department is proposing to adopt these amendments on a permanent basis effective January 1, 1999.

These proposed amendments will increase the fee for Level 3 personal care, increase the fee for case monitoring services, clarify definitions and requirements for personal care service invoice processing. The proposed amendments will change the existing fee schedule, certain definitions and regulatory requirements as follows:

(Continued on reverse side)

- Increase the Level 3 maximum fee from \$25 to \$50 per day of personal care delivered by personal care providers and personal care provider agencies.
- Establish new monthly case monitoring service maximum fees for four specific jurisdictions and all remaining counties as a group.
- Add definition of "institution.
- Clarify definition of "Level 3 personal care.
- Revise the number of active cases a provider may serve during one day
- Personal care services invoice processing requirements for case monitoring agencies are clarified.

The proposed amendments, as submitted to be published in the Maryland Register, are attached.

JMM:lp  
Attachment

**.01 Definitions.**

**A. (text unchanged)**

**B. Terms Defined.**

**(1) - (9) (text unchanged)**

**(9-1) "Institution" means an establishment that furnishes (in single or multiple facilities) food, shelter, and some treatment or services to four or more persons unrelated to the proprietor.**

**(10) - (11) (text unchanged)**

**(12) "Level 3 personal care" means [those] personal care services, [described in Regulation .04B and C of this chapter, that may be preauthorized for] provided by a live-in aide or by a provider agency which provides around-the-clock staff, received by a recipient whose medical condition [is such that constant assistance and supervision are necessary.] and degree of dependency in performing activities of daily living are extensive and complex such that the recipient cannot safely be left without the assistance of the personal care aide for longer than brief periods, and for whom family assistance or other supportive resources are not realistically available.**

**(13) - (29) (text unchanged)**

(30) "State-Only recipients" means those recipients in the Program administered and financed by the State who do not meet the technical requirements of Title XIX of the Social Security Act, for whom the State does not claim federal financial participation, and who are identified by an "S" on their Medical Assistance card.

**.03 Conditions for Participation.**

A. To participate in the Program, the personal care provider shall:

(1) - (10) (text unchanged)

(11) Submit completed invoices to the case monitor monitoring agency for review and approval before submission to the Department for payment; and

(12) (text unchanged)

B. To participate in the Program, the personal care provider agency shall:

(1) - (3) (text unchanged)

(4) Designate an individual who shall represent the agency in its interactions with the Department and with the case monitor monitoring agency and who shall:

(a) - (c) (text unchanged)

(d) Be available to give instructions and to answer questions during a normal working day ] and

(e) Submit completed invoices to the case monitoring agency for review and approval before submission to the Department for payment;

(5) - (6) (text unchanged)

C. - E. (text unchanged)

**.05 Limitations.**

**A. (text unchanged)**

**B. A personal care provider may not render care to more than one active case in 1 day unless it is determined by the case monitor that the requirements in the recipients' plans of personal care will not be jeopardized by that arrangement, subject to the following conditions:**

(1) The provider may render care to not more than ~~four~~ five recipients who require Level 1 personal care services in 1 day;

(2) The provider may render care to not more than ~~two~~ three recipients who require Level 1 personal care services and one recipient who requires Level 2 personal care services in 1 day;

(3) The provider may render care to not more than two recipients who require Level 2 personal care services ~~in one day;~~  
and one recipient who requires Level 1 personal care services in 1 day;

(4) (text unchanged)

C. - D. (text unchanged)

**E. The Program does not cover services provided to recipients who reside in homes:**

(1) Which are institutions with a registered or licensed capacity of four or more beds; or

(2) Where another public program or agency is obligated to financially support personal care services.

**.07 Payment Procedures.**

**A. Requests for Payment.**

(1) - (3) (text unchanged)

(4) All billings for payment of personal care services, whether electronic or hard copy, shall be submitted only by the case monitoring agency.

**B. Payment to personal care providers shall:**

(1) - (2) (text unchanged)

(3) Be made according to the following fee schedule for personal care services:

<i>Description</i>	<i>Maximum Fee</i>
Day of Personal Care—Level 1	\$10
Day of Personal Care—Level 2	20
Day of Personal Care—Level 3	<del>25</del> 50
Day of Training	10

(4) - (6) (text unchanged)

**C. Payments to personal care provider agencies shall be:**

(1) - (2) (text unchanged)

(3) Made according to the following fee schedule:

<i>Description</i>	<i>Maximum Fee</i>
Day of Personal Care (Agency)—Level 1	\$10
Day of Personal Care (Agency)—Level 2	20
Day of Personal Care (Agency)—Level 3	<del>25</del> 50

(4) - (5) (text unchanged)

D. (text unchanged)

E. Payments to case monitoring agency providers shall be:

(1) (text unchanged)

(2) Made according to the following fee schedule for personal care case monitoring services:

<i>Description</i>	<i>Maximum Fee</i>
Month of case monitoring (Agency):	
Baltimore City	<del>\$150</del> 215
Baltimore County	<del>160</del> 200
Montgomery County	<del>240</del>
Prince George's County	<del>190</del> 255
Other counties	<del>150</del> 185

(3) (text unchanged)

**MARTIN P. WASSERMAN, M.D.**  
**Secretary of Health and Mental Hygiene**