

Revision: HCFA-PM-94-1 (MB)
FEBRUARY 1994

State/Territory: MARYLAND

Citation
42 CFR 433.151 (a)

4.22 (continued)

(f) The Medicaid agency has written cooperative agreements for the enforcement of rights to and collection of third party benefits assigned to the State as a condition of eligibility for medical assistance with the following: (Check as appropriate.)

State title IV-D agency. The requirements of 42 CFR 433.152 (b) are met.

Other appropriate State agency (s) --

Other appropriate agency (s) of another State --

Courts and law enforcement officials

1902 (a) (60) of the Act

(g) The Medicaid agency assures that the State has in effect the laws relating to medical child support under section 1908 of the Act.

1906 of the Act

(h) The Medicaid agency specifies the guidelines used in determining the cost effectiveness of an employer-based group health plan by selecting one of the following.

The Secretary's method as provided in the State Medicaid Manual, Section 3910

The State provides methods for determining cost effectiveness on ATTACHMENT 4.22-C

TN # 11-09
Supersedes TN # 94-12

Approval Date **SEP 9 2011** Effective Date 4/1/2011

Revision: HCFA-PM-91-4 (BPD)
AUGUST 1991

OMB No.: 0938-

State/Territory: Maryland

Citation
45 CFR Parts
80 and 84

7.2 Nondiscrimination

In accordance with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et. seq.*), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 70b), and the regulations at 45 CFR Parts 80 and 84, the Medicaid agency assures that no individual shall be subject to discrimination under this plan on the grounds of race, color, national origin, disability or age.

In addition, in accordance with Maryland State Law and policy, the Medicaid agency assures that no individual shall be subject to discrimination under this plan on the grounds of sex, religion, marital status, and sexual orientation.

The Medicaid agency has methods of administration to assure that each program or activity for which it receives Federal financial assistance will be operated in accordance with title VI regulations and State Law. These methods for title VI are described in ATTACHMENT 7.2-A.

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
MEDICAL ASSISTANCE PROGRAM

State of Maryland

Standards and Methods of Assuring High Quality Care

The following is a description of the methods that will be used to assure that the medical and remedial care and services are of high quality.

1. The Program will establish specific provider qualifications for each type of provider in regulations and will ensure that only appropriately credentialed providers are enrolled.
2. The Program will establish and maintain a database of excluded individuals and entities to enhance provider screening responsibilities. The Program will verify and answer questions regarding the database.
3. The Program will assure that EPSDT well-child providers are certified by the Office of Health Services.
4. Medical care and services shall be provided within the scope of the licensure of the provider.
5. Medical care and services not provided by a licensed professional must be recommended or prescribed by a licensed professional.
6. The Program shall ensure the recipient's right to exercise free choice in the selection of enrolled service providers.
7. The Program will assure that staff is responsive to recipients' needs and manages or refers complaints.
8. The Program will work closely with the Office of Health Care Quality and the various Professional Licensing Boards to assure quality of medical care standards are met.
9. The Program will procure a Utilization Control Agent who will be responsible for ensuring that medical services are authorized only when medically necessary. Medical services provided in a hospital on an inpatient basis are authorized only when such services cannot be effectively provided on an outpatient basis or more effectively and efficiently in a facility of a different type. Medical services provided in a nursing facility, chronic hospital or in a community-based program are authorized only when an individual is appropriately determined to be medically eligible for those services.

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STATE OF MARYLAND

TIMELY CLAIMS PAYMENT

Definition of Claim

A claim is an invoice for services rendered to a recipient who is receiving benefits through the Medical Assistance Program:

UB-04 Form:

Institutional inpatient services for Acute Care General, Long Term Care, Hospice, Chronic, Psychiatric and Rehabilitative Facilities all inclusive of Room and Board plus ancillary charges.

Institutional outpatient services all inclusive of ancillary charges for a specific date of service.

Home Health and Dialysis services- all inclusive for services rendered within the same month for each date of service charged/billed.

CMS-1500:

Line item billing for Professional services rendered on a specific date of service.

STATE PLAN FOR MEDICAL ASSISTANCE
UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
STATE OF: MARYLAND

Title VI of the Civil Rights Act of 1964, Section 601 states that "no person in the United States shall on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." In addition to ensuring compliance with the Civil Rights Act of 1964, Section 601, EACU also monitors and ensures compliance with the Hill-Burton Act, Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act of 1975; and the Omnibus Budget Reconciliation Act of 1981 (Block Grants).

The Secretary of the Department of Health and Mental Hygiene (DHMH), by law and policy, does not permit discrimination against anyone on the basis of race, color, national origin, age, religion, disability, or sex. This nondiscrimination policy applies to all facilities and programs operated directly by DHMH as well as to providers of health services who receive federal funds under Medicare Part A or Medicaid.

Anyone who believes that an act of discrimination has taken place in the areas of delivery of services, treatment procedures, or any other areas as defined in Title VI has the right to file a complaint and to receive a prompt investigation of the allegation(s). All federally funded programs must comply with the requirements and provisions of Title VI of the Civil Rights Act of 1964, Section 601.

The Equal Access Compliance Unit (EACU) is responsible for ensuring that all individuals receive nondiscriminatory delivery of services from all DHMH facilities and programs operated directly by the Department as well as providers of health services who receive federal funds under Medicare Part A, or Medicaid, regardless of race, color, national origin (including individuals who are Limited English Proficient), age, or disability.

EACU monitors and audits DHMH programs operated directly by the Department and other providers of health care operating in the State of Maryland, who are receiving federal funds, to ensure that they do not deny or have the effect of denying qualified clients equal access to federally assisted health care, medical benefits and services for which such persons qualify. Anyone who believes that an act of discrimination has taken place in the areas of delivery of services, treatment procedures, or other covered areas, may file a complaint with EACU or the U.S. Department of Health and Human Services (HHS), Office of Civil Rights.

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SEP 9 2011

Effective Date

4/1/2011

Supersedes TN # NEW

DHMH POLICY

<http://www.dhmh.state.md.us/policies/inpolm.htm>

OFFICE OF EQUAL OPPORTUNITY PROGRAMS (OEOP)- DHMH POLICY 02.06.04
Effective Date- September 5, 2006

POLICY ON EQUAL EMPLOYMENT OPPORTUNITY (EEO)

SHORT TITLE EEO POLICY

I. EXECUTIVE SUMMARY

Federal statutes and the Maryland Code of Fair Practices prohibit the practice of all forms of discrimination in employment based on non-merit factors. This policy implements the Equal Employment Opportunity program at the Department of Health and Mental Hygiene (DHMH) and ensures compliance with all applicable Federal and State laws and regulations. The policy further prohibits any unit of DHMH from conducting business with firms, institutions, or agencies that engage in workplace discrimination. All units of the Department as well as grant-in-aid programs, health services providers, and DHMH contractors/subcontractors that receive Federal or State funds are covered by this policy.

Each Deputy Secretary, Program Director, Facility CEO, Health Officer, unit head or supervisor of one or more employees shall ensure that a review of EEO practices is included as a component of the annual performance evaluation completed for each subordinate supervisor.

The Executive Director, OEOP, or designee has the following responsibilities:

- * to develop, recommend, and monitor DHMH EEO policies and procedures to assure the Department is in compliance with Federal and State laws and regulations.
- * to provide technical assistance to DHMH components in matters regarding EEO practices.
- * where authorized, to act on behalf of the Secretary or Deputy Secretaries of DHMH to carry out the provisions and intent of this policy.
- * to accept timely complaints and conduct on-site reviews, as necessary.
- * to cooperate with Federal and State offices responsible for equal employment opportunity.
- * to prepare an annual EEO report for all DHMH and submit it to the Maryland Commission on Human Relations (MCHR).
- * to monitor all personnel transactions--hiring, promotions, transfers, reassignments, terminations, discipline, etc.-- for EEO compliance.

All DHMH employees or employment applicants are advised that they may contact OEOP or alternative resources for information or questions regarding EEO, or to file a complaint.

II. BACKGROUND

DHMH Policy 02.06.04 supersedes and replaces the version dated July 15, 2005. The only significant change, which is administrative in nature, is renaming the Office of Community Relations (OCR) to Office of Equal Opportunity Programs (OEOP). The DHMH policy review process was waived.

Department of Health & Mental Hygiene
OFFICE OF REGULATION AND POLICY COORDINATION (ORPC) - POLICY ADMINISTRATOR
201 West Preston Street - Suite 512 - Baltimore Maryland 21201-2301
Phone 410 767-5934 FAX 410 333-7304

TN No: 11-09 Approval Date:
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DHMH POLICY 02.06.04
OFFICE OF EQUAL OPPORTUNITY PROGRAMS

III. POLICY STATEMENTS

A. **AUTHORITY**

Federal and State laws and regulations prohibit the practice of discrimination in employment. This prohibition applies to employment discrimination based on non-merit factors including race, color, national origin, age, religion, sex, disabilities, and any other non-merit factors. Authority for this policy is derived from the following mandates, but other laws and regulations may also apply:

1. Title VII of the Civil Rights Act of 1964, as amended, forbids employment discrimination based on race, color, religion, sex, and national origin;
2. The Age Discrimination in Employment Act of 1967 (ADEA) makes discrimination against employees for reasons of age illegal;
3. Article 49B, Annotated Code of Maryland and the Rehabilitation Act of 1973 prohibit discrimination against persons with a disability.
4. The Equal Pay Act of 1963 prohibits discrimination in wages based on sex.
5. Title I and V of the Americans With Disabilities Act of 1990 prohibits discrimination based upon a disability.
6. The Governor's Executive Order 01.01.1995.19 -Code of Fair Practices prohibits employment discrimination in State Government including discrimination based on sexual orientation.

B. **SCOPE**

1. This policy applies to all DHMH programs, facilities, independent units such as Boards and Commissions, Local Health Departments, grant-in-aid programs, health services providers, and DHMH contractors/subcontractors receiving Federal or State funds.
2. No component of DHMH shall conduct business with firms, institutions, service providers, or agencies that engage in unlawful discrimination.

C. **ROLES AND RESPONSIBILITY**

1. Each Deputy Secretary shall ensure that equal opportunity exists in all employment practices within the scope of his or her responsibility.
2. Each Deputy Secretary, Program Director, Facility CEO, Health Officer, unit head or supervisor of one or more employees shall ensure that a review of EEO practices is a component of the annual performance evaluation completed for each subordinate supervisor.
3. Each Program Director, Facility CEO, Health Officer, and unit head or supervisor of one or more employees shall follow the guidelines of this policy within his or her area of responsibility.
4. The Executive Director, OEOP, is designated by the Secretary, DHMH, to have oversight responsibility for the following:

DHMH POLICY 02.06.04
OFFICE OF EQUAL OPPORTUNITY PROGRAMS

- a. Develop, recommend, and monitor policies and procedures necessary for DHMH to be EEO compliant with Federal and State laws and regulations.
- b. Provide technical assistance and advice on EEO practices to all DHMH components.
- c. Monitor all personnel transactions- hiring, promotions, transfers, reassignments, terminations, discipline, etc. for EEO compliance.
- d. Where authorized, act for the Secretary or Deputy Secretary in carrying out the provisions of this policy.
- e. Accept timely complaints and conduct on-site reviews, as necessary.
- f. Work in concert with the Maryland Commission on Human Relations (MCHR) and the Federal Equal Employment Opportunity Commission (EEOC) in the investigation of alleged discrimination.
- g. Prepare and submit relevant reports to the Secretary and appropriate Federal and State agencies.

D. RESOURCES FOR OBTAINING SERVICE

1. **DHMH OFFICE OF EQUAL OPPORTUNITY PROGRAMS-EMPLOYMENT EQUITY UNIT**
The OEOP Employment Equity Unit attempts to quickly resolve employment discrimination disputes through mediation, investigation, and training; and to maintain a discrimination-free work environment for all employees within DHMH regardless of race, color, sex, religion, national origin, age, disability, or sexual orientation.
 - a. If you believe you have been discriminated against at DHMH, you may file a complaint with the Employment Equity Unit. Complaints must be filed within 30 days of the alleged discriminatory practice or act. Please call 410-767-6600 to schedule an appointment. All matters discussed in office will be kept confidential, except where a complaint is filed and served on management. If you decide to submit a written complaint after discussion with the Employment Equity Unit staff, they will assist you in completing the Fair Employment Practices Complaint Form.
 - b. You may choose instead to file a complaint with the Statewide EEO Coordinator at the Department of Budget and Management, the Maryland Commission on Human Relations, or the US Equal Employment Opportunity Commission. Please note that the filing deadlines vary.
<http://www.dhmh.state.md.us/ocr/eeu/eeuhome.htm>
2. **DBM OFFICE OF THE STATEWIDE EEO COORDINATOR**
The Office of the Statewide EEO Coordinator enforces the Governor's Code of Fair Employment Practices, which ensures equal employment opportunity for all State employees and applicants for State employment, and provides a means for resolution of employment discrimination complaints. DHMH employees may wish to file directly with this office. Complaints must be filed within 30 days of the alleged discriminatory practice or act.

DHMH POLICY 02.06.04
OFFICE OF EQUAL OPPORTUNITY PROGRAMS

EEO POLICY

DBM Office of the Statewide EEO Coordinator

301 West Preston Street - Room 608

Baltimore, Maryland 21201

410-767-3800 or 1-800-411-5123 <http://www.dbm.maryland.gov/>

3. **THE MARYLAND COMMISSION ON HUMAN RELATIONS (MCHR)**
 Within 180 days of the employment decision you believe to have been discriminatory, call the MCHR at 410-767-8600 to set up an appointment or begin the process of filing a charge of discrimination.

Maryland Commission on Human Relations

6 St. Paul Street, 9th Floor,

Baltimore, MD 21201

410 767-8600 <http://www.mchr.state.md.us/>

4. **US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC)**
 EEOC is responsible for employment discrimination on a Federal level. The agency is charged with enforcing Title VII of the Civil Rights Act of 1964, as amended, the Equal Pay Act (EPA), the Americans with Disabilities Act (ADA) of 1990 and the 1967 Age Discrimination in Employment Act (ADEA). Complaints must be filed within 300 days of the alleged discriminatory practice or act, or in some cases when you become aware of the alleged discriminatory practice or act.

Equal Employment Opportunity Commission

Baltimore District Office - 10 South Howard Street, 3rd Floor

Baltimore, Maryland 21201

410-962-3932 <http://www.eeoc.gov/>

IV. REFERENCES

- * The Equal Pay Act of 1963, <http://www.eeoc.gov/epa/>
- * Title VII, The Civil Rights Act of 1964, as amended.
<http://www.eeoc.gov/policy/vii.html>
- * The Age Discrimination in Employment Act of 1967
<http://www.eeoc.gov/policy/adea.html>
- * Titles I and V, The Americans with Disabilities Act of 1990
http://www.eeoc.gov/abouteeo/overview_laws.html
- * Governor's Executive Order 01.01.1995.19 - Code of Fair Practices, 1995
http://www.dbm.maryland.gov/dbm_publishing/public_content/dbm_taxonomy/employee_services/equal_employment_opportunity/codeoffairpractices1995.htm

APPROVED:

/S/ Signature on File

S. Anthony McCann, Secretary

September 5, 2006

Effective Date