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**State/Territory Name: Maryland**

**State Plan Amendment (SPA) #:13-0001**

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form
- 3) Approved SPA Pages

DEPARTMENT OF HEALTH & HUMAN SERVICES  
Centers for Medicare & Medicaid Services  
150 S. Independence Mall West  
Suite 216, The Public Ledger Building  
Philadelphia, Pennsylvania 19106-3499



**Region III/Division of Medicaid and Children's Health Operations**

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SWIFT #:021920134034

**MAR 07 2013**

Charles J. Milligan Jr.  
Deputy Secretary  
Health Care Financing  
Maryland Department of Health and Mental Hygiene  
201 West Preston Street, Room 525  
Baltimore, MD 21201

Dear Mr. Milligan:

Enclosed is a copy of the approved State Plan Amendment (SPA), Transmittal Number 13-01. This SPA moves optometry services from optional coverage to a mandatory physician service, in order to allow Optometrists the ability to participate in Maryland's Medicaid Electronic Health Record (EHR) Incentive Program

The effective date for this amendment is January 1, 2013. The signed CMS-179 form and the approved State Plan pages are enclosed.

If you have questions about this SPA, please contact Lieutenant Commander Andrea Cunningham of my staff at (215) 861-4325.

Sincerely,

/S/

  
Francis McCullough  
Associate Regional Administrator

Enclosure

<b>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</b>	1. TRANSMITTAL NUMBER: 13-01	2. STATE Maryland
	3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
<b>FOR: CENTERS FOR MEDICARE &amp; MEDICAID SERVICES</b>	4. PROPOSED EFFECTIVE DATE January 1, 2013	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		

5. TYPE OF PLAN MATERIAL (Check One):

NEW STATE PLAN     AMENDMENT TO BE CONSIDERED AS NEW PLAN     AMENDMENT  
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (Separate Transmittal for each amendment)

6. FEDERAL STATUTE/REGULATION CITATION:	7. FEDERAL BUDGET IMPACT: a. FFY 2013 \$ 0 b. FFY 2014 \$ 0
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Page 27 Att 3.1A Page 3, page 17, and page 18-D	9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Page 27 (88-01) <del>Att 3.1A Page 3 (11-14B)</del> withdrawn AC Att 3.1A Page 17 (11-03) Att 3.1A Page 18-D (06-11)

10. SUBJECT OF AMENDMENT: To move optometry services from optional coverage to a mandatory physician service in order to allow Optometrists the ability to participate in Maryland Medicaid Electronic Health Record (EHR) Incentive program.

11. GOVERNOR'S REVIEW (Check One):

<input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT	X OTHER, AS SPECIFIED: The Secretary of the Department of Health and Mental Hygiene
<input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED	
<input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL	

12. SIGNATURE OF STATE AGENCY OFFICIAL: /S/	16. RETURN TO: Susan J. Tucker Executive Director Office of Health Services Department of Health & Mental Hygiene 201 W Preston St, 1 <sup>st</sup> floor Baltimore MD 21201
13. TYPED NAME: Charles J. Milligan, Jr.	
14. TITLE: Deputy Secretary, Health Care Financing, Department of Health and Mental Hygiene	
15. DATE SUBMITTED: February 4, 2013	

FOR REGIONAL OFFICE USE ONLY

17. DATE RECEIVED: FEB 05 2013	18. DATE APPROVED: MAR 07 2013
PLAN APPROVED - ONE COPY ATTACHED	
19. EFFECTIVE DATE OF APPROVED MATERIAL: 3	20. SIGNATURE OF REGIONAL OFFICIAL: /S/
21. TYPED NAME: FRANC MCCU DUGH	22. TITLE: ASSOCIATE REGIONAL ADMINISTRATOR

23. REMARKS:  
Pen and ink changes requested by state to withdraw Attachment 3.1A Page 3 based on Coverage's comments to the State.

Revision: HCFA-PM-87-5  
April 1987

(BERC)

OMB No: 0938-0193

State/Territory: Maryland

Citation  
42 CFR 441.30  
AT-78-90

3.1 (f)(1)

Optometric Services

Optometric services (other than those provided under §§435.531 and 436.531) are not now but were previously provided under the plan. Services of the type an optometrist is legally authorized to perform are specifically included in the term "physicians' services" under this plan and are reimbursed whether furnished by a physician or an optometrist.

Yes

No. The conditions described in the first sentence apply but the term "physicians' services" does not specifically include services of the type an optometrist is legally authorized to perform.

Not applicable. The conditions in the first sentence do not apply.

1903 (i) (1) of the  
Act, P.L. 99-272  
(Section 9507)

(2)

Organ Transplant Procedures

Organ transplant procedures are provided.

No.

Yes. Similarly situated individuals are treated alike and any restriction on the facilities that may, or practitioners who may, provide those procedures is consistent with the accessibility of high quality care to individuals eligible for the procedures under this plan. Standards for the coverage of organ transplant procedures are described at ATTACHMENT 3.1-E.

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

STATE OF MARYLAND

PROGRAM	LIMITATIONS
<p>5. Physicians' services whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.</p>	<p>A. The Physician Program covers medically necessary physician services when the services are provided by licensed physicians. When a service is provided as part of a health-related service in schools or in the child's home, it must be determined necessary and included as part of a child's IEP or IFSP. All physician services that an optometrist is legally authorized to perform are included in physicians' services under this plan and are reimbursed whether furnished by a physician or an optometrist.</p> <p>B. Physician Services which are not covered are:</p> <ol style="list-style-type: none"> <li>1. Services not medically necessary;</li> <li>2. Reserve for future use.</li> <li>3. Nonemergency dialysis services related to chronic kidney disorders unless they are provided in a Medicare-certified facility;</li> <li>4. Services which are investigational or experimental;</li> <li>5. Autopsies;</li> <li>6. Physician services included as part of the cost of an inpatient facility, hospital outpatient department, or free-standing clinic;</li> <li>7. Payment to physicians for specimen collection, except by venipuncture and capillary or arterial puncture;</li> <li>8. Reserve for future use.</li> </ol>

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

STATE OF MARYLAND

Program	Limitations
6. b. Optometrists Services	<p>A. Eye examinations: A maximum of one every year for recipients younger than 21 years old, unless the time limitations are waived by the Department, based on medical necessity.</p> <p>B. The following are not covered:</p> <ol style="list-style-type: none"> <li>1. Eyeglasses, ophthalmic lenses, optical aids, and optician services rendered to recipients 21 years old and older;</li> <li>2. Eyeglasses, ophthalmic lenses, optical aids, and optician services rendered to recipients which were not ordered as a result of a full or partial EPSDT screen;</li> <li>3. Repairs, except when repairs to eyeglasses are cost effective compared to the cost of replacing with new glasses.</li> <li>4. Combination or metal frames except when required for proper fit;</li> </ol>