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State/Territory Name: Maryland

State Plan Amendment (SPA) #: 14-0014

This file contains the following documents in the order listed:

- 1) Approval Letter
- 2) CMS 179 Form/Summary 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

SWIFT #021820154034

MAR 02 2015

Shannon McMahon, Deputy Secretary
Health Care Financing
Maryland Department of Health and Mental Hygiene
201 West Preston Street, Room 525
Baltimore, MD 21201

Dear Mr. Lehman:



Enclosed is a copy of the approved State Plan Amendment (SPA), Transmittal Number 14-014. This SPA updates the State Plan's provider participation nondiscrimination language to match the State's current nondiscrimination policies.

The effective date for this amendment is October 1, 2014. The CMS 179 form and the Approved State Plan pages are attached.

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

Sincerely,
/S/

AA

 Francis McCullough
Associate Regional Administrator 

<p>TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL</p>	<p>1. TRANSMITTAL NUMBER: 14-014</p>	<p>2. STATE Maryland</p>
<p>FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES</p>	<p>3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)</p>	
<p>TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES</p>	<p>4. PROPOSED EFFECTIVE DATE 10/1/2014</p>	

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)

<p>6. FEDERAL STATUTE/REGULATION CITATION: N/A</p>	<p>7. FEDERAL BUDGET IMPACT: a. FFY 2014: \$ 0 b. FFY 2015: \$ 0</p>
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<p>8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Attachment 7.2A Attachment 7.2A page 5-8 (NEW)</p>	<p>9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (If Applicable): Attachment 7.2A</p>
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10. SUBJECT OF AMENDMENT: Update nondiscrimination policy to match that of DHMH's EEO policy and add its Service Non-discrimination policy.

11. GOVERNOR'S REVIEW (Check One):

GOVERNOR'S OFFICE REPORTED NO COMMENT
 OTHER, AS SPECIFIED:
 COMMENTS OF GOVERNOR'S OFFICE ENCLOSED
 Susan J. Tucker, Executive Director
 NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL
 Office of Health Services

<p>12. SIGNATURE OF STATE AGENCY OFFICIAL: /S/</p>	<p>16. RETURN TO: Susan J. Tucker, Executive Director OHS - DHMH 201 W. Preston St., 1st floor Baltimore, MD 21201</p>
<p>13. TYPED NAME: Charles Lehman</p>	
<p>14. TITLE: Acting Deputy Secretary, Office of Health Care Financing</p>	
<p>15. DATE SUBMITTED: 12/23/2014</p>	

FOR REGIONAL OFFICE USE ONLY

<p>17. DATE RECEIVED: 12/23/2014</p>	<p>18. DATE APPROVED: MAR 02 2015</p>
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PLAN APPROVED - ONE COPY ATTACHED

<p>19. EFFECTIVE DATE OF APPROVED MATERIAL: October 1, 2014</p>	<p>20. SIGNATURE OF REGIONAL OFFICIAL: /S/</p>
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<p>21. TYPED NAME: Francis T. McCullough</p>	<p>22. TITLE: Associate Regional Administrator, DMCHO</p>
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23. REMARKS:

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, gender identity, sex, or sexual orientation. 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, religion, disability, gender identity, sex or sexual orientation.

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 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.

DHMH POLICY

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

**OFFICE OF DIVERSITY AND INCLUSION (ODI)/
EQUAL OPPORTUNITY PROGRAMS (EOP)**

DHMH POLICY 01.02.01
Effective Date: March 7, 2011

SERVICE NONDISCRIMINATION POLICY

I. EXECUTIVE SUMMARY

Discrimination is prohibited in the delivery of all services provided by the Department of Health and Mental Hygiene (DHMH). Furthermore, no component or agent of DHMH shall do business on behalf of the Department with entities that engage in discrimination.

The Federal and State statutes providing the authority for this policy are discussed and the basis on which the statutes prohibit discrimination are stated.

The responsibilities of the Deputy Secretaries, the Fair Practices Officer and DHMH employees are explained, and the guidelines for compliance with this policy are stated. Links to relevant online documents are also provided.

II. BACKGROUND

The DHMH Service Nondiscrimination Policy establishes the guidelines for the nondiscriminatory delivery of services by the Department. This version 01.02.01 recodifies, supersedes and replaces DHMH 02.06.01 dated June 29, 2007. The changes to this version are administrative in nature and include changing the codification number, changing the office name and updating references and hyperlinks.

III. POLICY STATEMENTS

A. AUTHORITY

In accordance with Federal and State mandates, DHMH prohibits discrimination in the delivery of services on the basis of race, sex, age, color, national origin, religion or belief, marital status, sexual orientation, genetic testing, political opinion or affiliation, and mental and/or physical disability based on, but not limited to, the following:

- Title VI, Civil Rights Act of 1964, as amended;
- Section 504, Rehabilitation Act of 1973;
- Age Discrimination Act of 1975;

Department of Health & Mental Hygiene
OFFICE OF REGULATION AND POLICY COORDINATION (ORPC)
201 West Preston Street - Suite 512 - Baltimore Maryland 21201-2301
Phone 410 767-6499 FAX 410 767-6483

DHMH POLICY 01.02.01**SERVICE NONDISCRIMINATION POLICY****OFFICE OF DIVERSITY AND INCLUSION (ODI) / EQUAL OPPORTUNITY PROGRAMS (EOP)**

- Title II, Subtitle A of the Americans With Disabilities Act of 1990, as amended;
- Article 49B, Annotated Code of Maryland, as amended;
- COMAR 01.01.2007.16 Code of Fair Employment Practices;
- COMAR 01.01.2007.01 Standards of Conduct for Executive Branch Employees; and
- Other applicable Federal and State mandates that may include provisions on nondiscrimination in the delivery of services.

B. APPLICABILITY

1. This policy applies to all programs, activities and benefits operated or provided directly or indirectly by DHMH.
2. This policy also applies to all grant programs, health care providers, contractors and subcontractors that receive Federal or State Funds.

C. ROLES AND RESPONSIBILITIES

1. The Secretary hereby assigns each Deputy Secretary responsibility for ensuring the nondiscriminatory delivery of services by all programs directly or indirectly under his or her administration.
2. The Fair Practices Officer (or designee) shall have the following responsibilities:
 - Monitor and enforce DHMH compliance efforts to avoid discrimination;
 - Monitor policies and procedures necessary for compliance with applicable Federal and State mandates;
 - Provide staff assistance to the Secretary and Deputy Secretaries for enforcement of this policy;
 - Provide technical assistance and advice to staff in administrative and program units regarding the nondiscriminatory delivery of services;
 - Act for the Secretary or Deputy Secretaries, when authorized, to carry out the provisions of this policy;
 - Conduct on-site reviews, as necessary, to ensure nondiscrimination in the delivery of services;
 - Provide compliance training for DHMH staff; and
 - Prepare and submit relevant reports to the Secretary and appropriate State and Federal agencies;

DHMH POLICY 01.02.01**SERVICE NONDISCRIMINATION POLICY****OFFICE OF DIVERSITY AND INCLUSION (ODI) / EQUAL OPPORTUNITY PROGRAMS (EOP)**

- Investigate complaints of discrimination covered by this policy.
3. All employees (including volunteers), vendors, contractors, subcontractors, agents, grantees and health care providers that receive Federal or State funds are responsible for compliance with the requirements of this policy.

D. COMPLIANCE

1. Employees shall act impartially in the delivery of services and not give preferential treatment to any private organization or individual. (COMAR 01.01.2007.01).
2. No employee shall refuse, withhold or deny service to any person because of race, sex, age, color, national origin, religion or belief, marital status, genetic testing, sexual orientation, political opinion or affiliation, or physical and/or mental disability.
3. Employees shall provide reasonable accommodations to individuals with disabilities to ensure an equivalent level of delivery of service.
4. Violation of these requirements is unlawful and is subject to disciplinary action, penalties or fines, as appropriate.
5. Employees who observe actual or possible discrimination in the delivery of services are encouraged to report the occurrence to the Fair Practices Officer at 410 767-6600 or OEOP@dhhm.state.md.us.

IV. REFERENCES

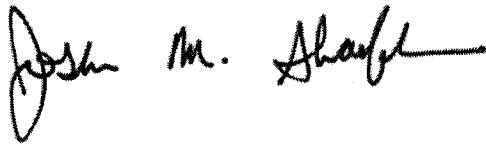
- Title VI, Civil Rights Act of 1964, as amended
http://www.justice.gov/crt/grants_statutes/titlevi.txt
- Section 504, Rehabilitation Act of 1973
<http://www.hhs.gov/ocr/504.html>
- Age Discrimination Act of 1975
http://www.dol.gov/oasam/regs/statutes/age_act.htm
- Title II A, The Americans with Disabilities Act of 1990, as amended.
<http://www.ada.gov/adahom1.htm>
- Annotated Code of Maryland, Article 49B, as amended
<http://www.michie.com/maryland/lpext.dll/mdcode/298ed/292c8?fn=document-frame.htm&f=templates&2.0#>
- COMAR 01.01.2007.01 Standards of Conduct for Executive Branch Employees
<http://www.dsd.state.md.us/comar/comarhtml/01/01.01.2007.01.htm>
- COMAR 01.01.2007.16 Code of Fair Employment Practices
<http://www.dsd.state.md.us/comar/comarhtml/01/01.01.2007.16.htm>

DHMH POLICY 01.02.01

SERVICE NONDISCRIMINATION POLICY

OFFICE OF DIVERSITY AND INCLUSION (ODI) / EQUAL OPPORTUNITY PROGRAMS (EOP)

APPROVED:



Joshua M. Sharfstein, M.D., Secretary, DHMH

March 7, 2011
Effective Date

This version DHMH 01.02.01 effective March 7, 2011 recodifies and supersedes DHMH 02.06.01 dated June 29, 2007.

TN No: 14-014

Approval Date: MAR 02 2015

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Effective Date: October 1, 2014

Supersedes No: NEW