



Maryland  
Hospital Association

December 7, 2020

Jake Whitaker  
Acting Director  
Office of Regulation and Policy Coordination  
Maryland Department of Health  
201 West Preston St. 5<sup>th</sup> Floor  
Baltimore, MD 21201-2301

Dear Mr. Whitaker:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to submit comments and express our strong support for the proposed amendments to COMAR 10.09.04 Home Health Services as published in Volume 47, Issue 23 of the Maryland Register (Nov. 6, 2020).

We commend the Department's proposed regulations to include nurse practitioners among providers authorized to order home health care services, aligning Maryland Medicaid with Medicare. Maryland hospitals, and the Stakeholder Innovation Group, encouraged and supported the Center for Medicare & Medicaid Innovation's decision to waive Section 1814(a)(2) of the Social Security Act, which required a Medicare beneficiary to be under the care of a physician to receive home health care services. State law grants nurse practitioners the authority to provide primary care services, so this restriction created an unnecessary barrier for Marylanders seeking care from nurse practitioners. This was exacerbated in rural areas where physician shortages are greater. Granting a nurse practitioner the authority to oversee their patient's care while they are in home health is consistent with Medicare policy and supports the established relationship patients have with their provider of choice.

During the COVID-19 pandemic, it has been critical for our hospitals to maintain bed capacity for patients with the most critical needs. Regulatory changes like this ensure patients receive the care they need in the most appropriate setting. We appreciate this good policy decision to align state regulations with state law and federal regulations. This change might seem small, but the removal of this restriction will improve access to care for patients across the state.

Respectfully,

Erin Dorrien  
Director, Government Affairs & Policy