

**DEPARTMENT OF HEALTH**

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

MARYLAND MEDICAL ASSISTANCE PROGRAM
Hospital Transmittal No. 286
Managed Care Organizations Transmittal No. 147
November 8, 2021

TO: Hospitals
Managed Care Organizations
Behavioral Health Administrative Services Organization

FROM: Alex Shekhdar, Acting Director *Alexander Shekhdar*
Medical Benefits Management

RE: Clarification of Payment Responsibility of Emergency Medicine Professional Fees in Emergency Department Settings

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

The purpose of this transmittal is to clarify payment responsibility between HealthChoice managed care organizations (MCOs) and the behavioral health administrative service organization (BHASO) for services rendered by emergency medicine providers for patients with mental health diagnoses.

Services from emergency medicine providers in emergency department settings, regardless of diagnosis, are the responsibility of the HealthChoice MCOs and not the BHASO. The care provided by an emergency medicine clinician would be considered a primary behavioral health service, and they would bill their professional fee to the MCO for the service rendered, even if the diagnosis is part of the behavioral health carve out as described in COMAR 10.67.08.02M. All other conditions for MCO payment must be met, including meeting the definition of emergency services outlined in 10.67.01.01B and satisfying the requirements of the federal Emergency Medical Treatment and Active Labor Act (EMTALA).

The BHASO is responsible when a specialty mental health provider as defined in 10.09.59.04 renders the service.

This policy is consistent with 10.67.08.02I (which addresses non-facility specifically credentialed provider types and the behavioral health carve out), 10.67.08.02L (<http://www.dsd.state.md.us/comar/comarhtml/10/10.67.08.02.htm>), and COMAR 10.67.05.08F (which addresses MCO coverage of emergency department visits and services).

For any questions about MCO billing, please contact mdh.healthchoiceprovider@maryland.gov.