

## Title 10

### DEPARTMENT OF HEALTH AND MENTAL HYGIENE

#### Subtitle 24 MARYLAND HEALTH CARE COMMISSION

#### Chapter 09 State Health Plan for Facilities and Services: Specialized Health Care Services – Acute Inpatient Rehabilitation Services

Authority: Health –General Article §§ 19-121 and 19-109(a)(1),

Annotated Code of Maryland

#### NOTICE OF FINAL ACTION

On November 21, 2013, the Maryland Health Care Commission adopted amendments to **COMAR 10.24.09 State Health Plan for Facilities and Services: Specialized Health Care Services – Acute Inpatient Rehabilitation Services**. This action was considered by the Commission at an open meeting held on November 21, 2013, notice of which was given through publication in the Maryland Register, under State Government Article, §10-506, Annotated Code of Maryland. This action which was proposed for adoption in 40:18 Md. R. 1496 - 1497 (September 6, 2013), has been adopted with non-substantial changes.

**Effective Date: December 23, 2013**

#### ATTORNEY GENERAL'S CERTIFICATION

In accordance with State Government Article, §10-113, Annotated Code of Maryland, the Attorney General certifies that the following changes do not differ substantively from the proposed text. The nature of the changes and the bases for these conclusions follow:

1. The definition of "hospital" found at .06B(9), has been deleted. This definition is surplusage because it simply makes reference to Maryland statute. Further, the definition of hospital as a facility located in Maryland is inconsistent with the inclusion of District of Columbia hospitals in the need methodology, at .05A(1). Also, the wording in review standard .04B(3), which considers whether a proposed project will have an "unwarranted adverse impact

on the cost of hospital services or the financial viability of an existing provider of acute inpatient rehabilitation services” is not limited to the impact on providers or hospitals located in Maryland.

2. The following words (underlined) have been added to the data sources listed in .05E(1)(a) and (b) that make up acute rehabilitation discharges:

. . . The DRG codes used to count acute rehabilitation discharges may change to achieve consistency in counting these discharges, as DRG codes are updated. Notice of changes in the DRG codes used to count acute rehabilitation discharges will be published on the Maryland Health Care Commission’s website and in the *Maryland Register*.

This added language will provide notice of updated DRG code that constitute acute rehabilitation discharges when they are renumbered or modified by the publishing body. As noted earlier in the regulation, DRG code numbers were different for the 2007-09 period than from 2010 to the present. Since the codes are renumbered or updated with some regularity, the ability to make minor adjustments of the numbers changes without amendment of the regulations will lessen confusion for the regulated industry.

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Chairman  
Maryland Health Care Commission