

URGENT

To: Chief Financial Officers – All Hospitals

From: Dennis N. Phelps – Deputy Director-Audit & Compliance

Date: April 27, 2023

Re: Continued Suspension of Telehealth Regulations– COMAR 10.37.10.07-1 and Other COVID-19 Related Temporary Approvals

On January 31, 2022, the Federal Omnibus Budget Bill was released. The Bill extended the federal telehealth flexibilities through December 31, 2024. In addition, the President announced that the federal Public Health Emergency will be extended to May 11, 2023, when it will end.

In recognition of the further extension of the federal telehealth flexibilities, the HSCRC has determined that it is appropriate to extend the effective date of the Telehealth regulations (COMAR 10.37.10.07-1) through December 31, 2024. The principal provision of this regulation is that it requires that either the patient or the provider be at the hospital for the service to be considered “at the hospital” and thereby rate regulated.

Mandated temporary tiered rates and temporary prices for COVID-19 tests, vaccines, and therapies, will not expire at the end of the emergency declaration (May 11, 2023). Rather, they will be extended until January 1st of the year following the year in which the Emergency Use Authorizations (EUAs) for COVID-19 tests, drugs, and biologicals ends. EUAs are issued by the Federal Drug Administration to facilitate the availability and use of medical countermeasures needed during public health emergencies. Hospitals will be notified by HSCRC of the end of the extension period.

COVID-19 diagnostic laboratory testing using high throughput technologies (HCPCS codes U0003, U0004, and U0005) and the temporary expansion of At-the-Hospital determination criteria will expire on May 11, 2023.

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