

MARYLAND TOTAL COST OF CARE MODEL STATE AGREEMENT
First Amendment

This amendment is made to the Maryland Total Cost of Care Model State Agreement (“Agreement”) between the Centers for Medicare & Medicaid Services (“CMS”), and the Governor of Maryland, the Maryland Department of Health (“MDH”), and the Health Services Cost Review Commission (“HSCRC”) (collectively, the “State”). The State and CMS are hereinafter collectively referred to as “the Parties.”

On July 9, 2018, the Parties executed the Agreement governing their rights and obligations under the Maryland Total Cost of Care Model (“Model”). The Parties now wish to amend the Agreement to add an additional Medicare payment waiver which will allow Medicare-enrolled nurse practitioners to certify home health orders for any Maryland Medicare Beneficiary beginning in Model Year (MY) 2 (calendar year 2020), and to change certain CMS reporting provisions under the Model.

The Parties therefore amend the Agreement as set forth below.

1. Effective Date. This amendment shall be effective when it is signed by the last Party to sign it (as indicated by the date associated with that Party’s signature).
2. Effect of Amendment. All other terms and conditions of the Agreement shall remain in full force and effect. In the event of any inconsistency between the provisions of this amendment and the provisions of the Agreement, the provisions of this amendment shall prevail.
3. Hospital Payment Program. Section 8.d.ii.2 of the Agreement is hereby amended as follows:
 - a. Section 8.d.ii.2.a is hereby amended in its entirety to read as follows:
Beginning in MY2, CMS will calculate and provide the HSCRC with the previous and current Model Year’s Medicare all-cause readmissions rate for each Regulated Maryland Hospital on a monthly basis. CMS will also calculate and provide the HSCRC with the previous and current Model Year’s national Medicare all-cause readmissions rate on a monthly basis.
 - b. Section 8.d.ii.2.b is hereby amended in its entirety to read as follows:
By no later than October 31 of each Model Year, beginning in MY2, CMS will provide to the HSCRC performance measures for Regulated Maryland Hospitals as if they were included in CMS’s Hospital Value-Based Purchasing Program, Hospital Readmissions Reduction Program, and Hospital-Acquired Condition Reduction Program for the prior Model Year.
4. Data Sharing. Section 13.b.ii of the Agreement is hereby amended in its entirety to read as

follows:

ii. The State is expected to use the requested data in its efforts to monitor and oversee Maryland's health care system as it pertains to this Agreement. Notwithstanding any other provision of this Agreement, and in accordance with applicable law, the State may disclose original or derivative patient-identifiable data received from CMS under this Agreement to TCOC Model participants, including Regulated Maryland Hospitals, MDPCP participants, CRP participants, participants in a new Model Program, or clinicians at the point of care, if such participants or clinicians have a treatment relationship with the subject(s). Such disclosures may be made in accordance with applicable law without prior authorization from CMS if such disclosure is necessary to enable the State's oversight of the Model, or to enable quality improvement activities, care coordination, or health care provider incentive implementation.

5. Medicare Payment Waivers. Appendix G of the Agreement is hereby amended by inserting after paragraph (i) the following new paragraph (j):

*j. **Conditions of and Limitations on Payment for Home Health Services.** Effective January 1, 2020, CMS waives Sections 1814(a)(2)(C) and 1835(a)(2)(A) of the Act and the implementing regulations at 42 CFR § 424.22 to allow Medicare payment for home health services provided by a Maryland home health agency if a nurse practitioner certifies or recertifies home health benefit eligibility for Medicare Beneficiaries, only insofar as necessary for the purposes of testing this Model during the Agreement Term and only insofar as the State remains in compliance with the terms of this Agreement.*

[SIGNATURE PAGE FOLLOWS]

Each Party is signing this amendment on the date stated above that Party's signature. If a Party signs this amendment, but fails to date a signature, the date that the other Parties receive the signing Party's signature will be deemed to be the date that the signing Party signed this amendment.

CENTERS FOR MEDICARE & MEDICAID SERVICES

Date: 12/23/19

By: Amy Bassano
Amy Bassano, Acting Director, Center for Medicare and Medicaid Innovation

GOVERNOR OF MARYLAND

Date: 12/20/19

By: Lawrence Joseph Hogan, Jr.
Lawrence Joseph Hogan, Jr., Governor

MARYLAND DEPARTMENT OF HEALTH

Date: 12/11/19

By: Robert R. Neall
Robert R. Neall, Secretary of Health

HEALTH SERVICES COST REVIEW COMMISSION

Date: 12/6/19

By: Nelson Sabatini
Nelson Sabatini, Chairman