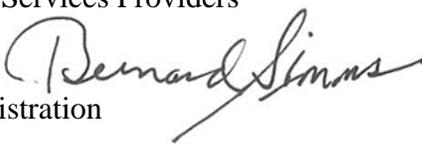




DEPARTMENT OF HEALTH

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

To: DDA-Licensed and DDA-Certified Service Providers
DDA Coordination of Community Services Providers

From: Bernard Simons, Deputy Secretary 
Developmental Disabilities Administration

Subject: DDA License and Certification Renewals Due June 30, 2021

Date: May 20, 2021

On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency due to disease (“COVID-19”) caused by the novel coronavirus. The COVID-19 outbreak was declared a national emergency on March 13, 2020 and was previously declared a nationwide public health emergency (PHE) on January 31, 2020 (retroactive to January 27, 2020).

Purpose & Application

This memorandum addresses the application of the Governor’s Executive Orders governing licensure during the PHE to providers of home- and community-based services to individuals with developmental disabilities (a “DDA provider”). Pursuant to § 7-903 of the Health-General Article of the Maryland Annotated Code, a DDA provider must obtain and maintain approval, certification, or licensure by the Maryland Department of Health (MDH) – either through the Developmental Disabilities Administration (DDA) or Office of Health Care Quality (OHCQ).

Please note that, under Maryland law, a license means all or any part of a State agency’s permission that is required by law to be obtained from that State agency. Md. Code Ann., State Gov’t § 10-226(a)(2). A license can be in any form, including an approval, a certificate, a charter, a permit, or a registration. Md. Code Ann., State Gov’t § 10-226(a)(2). Thus, DDA’s issuance of an approval or a certification for a DDA provider to provide services pursuant to § 7-903 of the Health-General Article constitutes a license under Maryland law. In other words, whether a DDA provider holds a license, certification, or other approval from DDA or OHCQ, it is still a license. Therefore, the Governor’s Executive Orders (discussed below), and this memorandum, apply to all DDA providers.

Governor’s Executive Orders

During the COVID-19 state of emergency, the Governor has issued numerous executive orders, including three addressing licenses that have expired, or may expire, during the PHE.¹ Generally, the Governor’s Executive Orders have permitted any license, permit, registration, or other authorization issued by any agency of the State of Maryland (“Covered Licenses”), due to expire or renewal during the state of emergency, to be extended until sometime after the state of emergency has been terminated. On March 9, 2021, the Governor issued an Amended Executive Order (No. 21-03-09-03), providing that the expiration date of any Covered Licenses, expiring or due for renewal during the state of emergency, be extended to June 30, 2021.

As a result, any Covered License that was due for expiration or renewal from March 9, 2021 through June 30, 2021 will officially expire on June 30, 2021.

Guidance to DDA Providers

The DDA recognizes that many DDA-licensed and DDA-certified service providers annual renewals may have already come due or will be coming due in the coming weeks. Under typical circumstances, DDA providers are required to obtain and maintain a license with MDH in order to provide services to individuals with developmental disabilities as required by §§ 7-903 and 7-908 of the Health-General Article of the Maryland Annotated Code.

To maintain this license, DDA providers are required to submit their renewal application at least 60 days prior to the expiration date of their license. See COMAR 10.22.02.02B. As noted above, due to the state of emergency, there has been leniency to this regulation. Once the renewal application is filed, the license does not expire until MDH acts on it – issuing notice of MDH’s final decision with any applicable appeal rights. See COMAR 10.22.02.02B.

To ensure compliance with the Governor’s Executive Order (No. 21-03-09-03) and applicable law, **all DDA providers, who seek to maintain their license, must submit a renewal application prior to expiration of that license as follows.**

1. If the DDA provider’s license expired, or is expiring, between March 12, 2020 and June 30, 2021, then the DDA provider must submit a renewal application at least two weeks prior to June 30, 2021, but, preferably as soon as possible.

¹ Executive Order “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of legal Time Requirements” (effective March 12, 2020 – June 18, 2020) may be accessed at: <https://governor.maryland.gov/wp-content/uploads/2020/03/Licenses-Permits-Registration.pdf>.

Executive Order No. 20-06-19-01 (effective June 19, 2020 – March 8, 2021) may be accessed at: https://governor.maryland.gov/wp-content/uploads/2020/06/2089_001.pdf.

Executive Order No. 21-03-09-03 (effective March 9, 2021 – present) may be accessed at: <https://governor.maryland.gov/wp-content/uploads/2021/03/Licenses-Timeframes-2d-AMENDED-03.09.21.pdf>.

2. If the DDA provider's license expires between July 1, 2021 and July 31, 2021, then the DDA provider must submit a renewal application at least two weeks prior to expiration, but, preferably as soon as possible.
3. If the DDA provider's license expires on August 1, 2021 or thereafter, then the DDA provider must submit a renewal application at least 60 days prior to expiration, per COMAR 10.22.02.02B.

Information about the DDA's renewal application, including applicable forms, may be accessed here: <https://dda.health.maryland.gov/Pages/providers.aspx>. Please complete the application form and submit any required supporting documents, including your annual quality assurance plan and related data per COMAR 10.22.02.14.

As long as DDA providers have submitted their renewal application as provided in this memorandum, then their current DDA-license and DDA-certification will stand. The DDA and OHCQ will review all documents, follow up with any questions, and issue notice of the final decision as quickly as possible.

If you need additional information, please contact your Regional Office's Provider Relations liaison.

cc: Carol Fenderson, OHCQ Deputy Director, State Programs
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