

(B) "DEPARTMENT" MEANS THE MARYLAND AGENCY RESPONSIBLE FOR ADMINISTERING THE MARYLAND MEDICAL ASSISTANCE ~~AND~~ PHARMACY ASSISTANCE, AND PRENATAL ASSISTANCE PROGRAMS.

(C) "FEDERAL UPPER LIMITS" MEANS THE MAXIMUM AMOUNTS THAT A STATE MEDICAID AGENCY MAY PAY MEDICAID PROVIDERS UNDER FEDERAL LAW.

(D) "FEE" MEANS A CHARGE ~~IMPOSED~~ ASSESSED BY THE SECRETARY AGAINST THE MEDICAL ASSISTANCE ~~OR~~ PHARMACY ASSISTANCE, OR PRENATAL ASSISTANCE PROGRAM REVENUES OF A PROVIDER OR ON THE PROVISION OF SUCH SERVICES.

(E) "PROVIDER" MEANS A PROVIDER OF MEDICAL SERVICES, MEDICAL EQUIPMENT, SUPPLIES, PHARMACEUTICAL PRODUCTS OR TRANSPORTATION WHICH MEETS THE DEPARTMENT'S CONDITIONS OF PARTICIPATION AND IS ENROLLED IN EITHER THE MEDICAL ASSISTANCE ~~OR~~ PHARMACY ASSISTANCE, OR PRENATAL ASSISTANCE PROGRAMS.

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(A) SUBJECT TO THE LIMITATIONS PROVIDED IN THIS SECTION, THE SECRETARY ~~SHALL~~ MAY ADOPT RULES AND REGULATIONS THAT ~~IMPOSE~~ ASSESS FEES ON CERTAIN PROVIDERS AND OTHERWISE IMPLEMENT THE IMPOSITION ASSESSMENT OF PROVIDER FEES.

(B) THE SECRETARY MAY ~~IMPOSE~~ ASSESS FEES ON ANY PROVIDER GROUP, BUT IN SELECTING WHICH PROVIDER GROUPS MUST PAY FEES, THE SECRETARY SHALL TAKE INTO CONSIDERATION ANY RESTRICTION IMPOSED BY FEDERAL STATUTE OR REGULATION, INCLUDING BUT NOT LIMITED TO THE APPLICABLE FEDERAL UPPER LIMITS FOR MEDICAL ASSISTANCE PROGRAM PAYMENTS AND THE LIMITATIONS IMPOSED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1990.

~~(C) THE SECRETARY HAS DISCRETION IN SETTING THE AMOUNTS OF THE FEES, BUT IN NO EVENT SHALL ANY FEE IMPOSED UNDER THIS SUBTITLE CAUSE A REDUCTION IN THE NET MEDICAL ASSISTANCE OR PHARMACY ASSISTANCE PROGRAM PAYMENT PER SERVICE OR ITEM AUTHORIZED BY DEPARTMENT REGULATIONS IMMEDIATELY PRIOR TO THE EFFECTIVE DATE OF THIS SUBTITLE.~~

(C) (1) IN SETTING THE AMOUNT OF THE FEE, THE SECRETARY SHALL ADHERE TO THE FOLLOWING CRITERIA:

(I) THE METHODOLOGY USED IN DETERMINING THE AMOUNT OF THE FEE SHALL BE UNIFORM FOR ALL MEMBERS OF A PROVIDER GROUP; AND