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By: Delegates Hubbard and Rosenberg, Rosenberg, Benson, Boteler, Boutin, Bromwell, Costa, Donoghue, Elliott, Frank, Hammen, Hurson, Kach, Kullen, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, V. Turner, and Weldon

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Maryland Medical Assistance Program—Institutions for the Treatment of~~  
3 ~~Mental Disease—Suspension of Benefits and Services for Individuals Who~~  
4 ~~Are Incarcerated or Institutionalized~~

5 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
6 suspend Maryland Medical Assistance Program benefits for certain individuals  
7 who are incarcerated or who are admitted to an institution for the treatment of  
8 mental disease; prohibiting the Department from terminating Program benefits  
9 for certain individuals based on the incarceration of the individual or the  
10 admission of the individual to an institution for the treatment of mental disease;  
11 providing that certain provisions of this Act are contingent on the Department of  
12 Health and Mental Hygiene's receipt of certain funding and the implementation  
13 of a certain computer system; requiring the Department of Health and Mental  
14 Hygiene, the Department of Human Resources, and the Department of Public  
15 Safety and Correctional Services to convene a certain work group to make  
16 certain recommendations; requiring the work group to report its findings and  
17 recommendations to certain committees of the General Assembly on or before a  
18 certain date; and generally relating to the Maryland Medical Assistance  
19 Program and Program benefits for individuals in an institution for the  
20 treatment of mental disease benefits and services for individuals who are  
21 incarcerated or institutionalized.

22 BY repealing and reenacting, without amendments,  
23 Article - Health - General  
24 Section 15-101(a), (h), and (i)

1 Annotated Code of Maryland  
2 (2000 Replacement Volume and 2004 Supplement)

3 BY adding to  
4 Article - Health - General  
5 Section 15-109.2  
6 Annotated Code of Maryland  
7 (2000 Replacement Volume and 2004 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Health - General**

11 15-101.

12 (a) In this title the following words have the meanings indicated.

13 (h) "Program" means the Maryland Medical Assistance Program.

14 (i) "Program recipient" means an individual who receives benefits under the  
15 Program.

16 15-109.2.

17 TO THE EXTENT AUTHORIZED BY FEDERAL LAW OR REGULATION, IF A  
18 PROGRAM RECIPIENT WHO IS AT LEAST 21 YEARS OLD BUT IS UNDER THE AGE OF 65  
19 YEARS IS INCARCERATED OR IS ADMITTED TO AN INSTITUTION FOR THE TREATMENT  
20 OF MENTAL DISEASE, THE DEPARTMENT:

21 (1) SHALL SUSPEND PROGRAM BENEFITS FOR THAT INDIVIDUAL WHILE  
22 THE INDIVIDUAL IS INCARCERATED OR IS IN THE INSTITUTION; AND

23 (2) MAY NOT TERMINATE PROGRAM BENEFITS FOR THAT INDIVIDUAL  
24 BASED ON THE INCARCERATION OF THE INDIVIDUAL OR ON THE ADMISSION OF THE  
25 INDIVIDUAL TO THE INSTITUTION.

26 SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act is  
27 contingent on the Department of Health and Mental Hygiene's receipt of funding for  
28 the development of a new computerized eligibility system for the Maryland Medical  
29 Assistance Program and the implementation of the system, and shall take effect on  
30 the date the system is implemented. The Department, within 5 days after the  
31 implementation of a new computerized eligibility system for the Maryland Medical  
32 Assistance Program, shall notify the Department of Legislative Services, 90 State  
33 Circle, Annapolis, Maryland 21401 in writing of the implementation.

34 SECTION 3. AND BE IT FURTHER ENACTED, That:

1 (a) The Department of Health and Mental Hygiene, the Department of  
2 Human Resources, and the Department of Public Safety and Correctional Services  
3 shall convene a work group consisting of interested stakeholders to make  
4 recommendations on actions to be taken to break the cycle of rearrest and  
5 reincarceration for individuals with mental illnesses who become involved with the  
6 criminal justice system, including the following:

7 (1) recommended agency responsibility for and actions to be taken to  
8 ensure that suspension and reinstatement of benefits occur in a seamless fashion;

9 (2) review and clarification of current and recommended agency  
10 responsibility for case management services for individuals released from  
11 incarceration;

12 (3) measures to ensure that timely assistance is provided to inmates  
13 with psychiatric disabilities who are not on eligibility rolls for federal benefits but  
14 who are likely to be eligible for those benefits on release;

15 (4) recommendations regarding the creation of a State bridge program  
16 for released inmates with mental illnesses whose applications for federal benefits are  
17 pending;

18 (5) review and clarification of current and recommended agency  
19 responsibility for providing access to medically necessary mental health services for  
20 inmates both while incarcerated and on release;

21 (6) actions to be taken to ensure that an individual who is released from  
22 incarceration receives in a timely manner a photo identification card that does not  
23 disclose the individual's incarceration; and

24 (7) any other strategies identified and supported by the work group to  
25 address the work group's mission.

26 (b) The work group shall report its findings and recommendations on or before  
27 December 1, 2005, in accordance with § 2-1246 of the State Government Article, to  
28 the House Health and Government Operations Committee and the Senate Finance  
29 Committee.

30 ~~SECTION 2-4. AND BE IT FURTHER ENACTED, That this Act shall take~~  
31 ~~effect October 1, 2005.~~ That, except as provided in Section 2 of this Act, this Act shall take  
32 effect July 1, 2005.

