

HOUSE BILL 202

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By: **Delegates Hubbard, Montgomery, Oaks, and Pena-Melnyk**
Introduced and read first time: January 26, 2007
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Eligibility Expansion**

3 FOR the purpose of requiring the Maryland Medical Assistance Program to provide,
4 subject to certain conditions, certain medical care and other health care services
5 to certain parents with certain income and to certain adults with certain
6 income; requiring the Department of Health and Mental Hygiene to seek
7 approval of a certain waiver to use certain federal matching funds for a certain
8 purpose; prohibiting the Department from implementing Medicaid eligibility for
9 certain adults, if the Department is denied the waiver; providing for the
10 effective date of certain provisions of this Act; making certain provisions of this
11 Act null and void, under certain circumstances; requiring the Department to
12 forward a copy of a certain notice to the Department of Legislative Services; and
13 generally relating to the Maryland Medical Assistance Program eligibility of
14 certain parents and certain adults at or below a certain income level.

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 15–103(a)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2006 Supplement)

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

22 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15-103.

2 (a) (1) The Secretary shall administer the Maryland Medical Assistance
3 Program.

4 (2) The Program:

5 (i) Subject to the limitations of the State budget, shall provide
6 medical and other health care services for indigent individuals or medically indigent
7 individuals or both;

8 (ii) Shall provide, subject to the limitations of the State budget,
9 comprehensive medical and other health care services for all eligible pregnant women
10 whose family income is at or below 250 percent of the poverty level, as permitted by
11 the federal law;

12 (iii) Shall provide, subject to the limitations of the State budget,
13 comprehensive medical and other health care services for all eligible children
14 currently under the age of 1 whose family income falls below 185 percent of the
15 poverty level, as permitted by federal law;

16 (iv) Shall provide, subject to the limitations of the State budget,
17 family planning services to women currently eligible for comprehensive medical care
18 and other health care under item (ii) of this paragraph for 5 years after the second
19 month following the month in which the woman delivers her child;

20 (v) Shall provide, subject to the limitations of the State budget,
21 comprehensive medical and other health care services for all children from the age of 1
22 year up through and including the age of 5 years whose family income falls below 133
23 percent of the poverty level, as permitted by the federal law;

24 (vi) Shall provide, subject to the limitations of the State budget,
25 comprehensive medical care and other health care services for all children who are at
26 least 6 years of age but are under 19 years of age whose family income falls below 100
27 percent of the poverty level, as permitted by federal law;

28 (vii) Shall provide, subject to the limitations of the State budget,
29 comprehensive medical care and other health care services for all legal immigrants
30 who meet Program eligibility standards and who arrived in the United States before
31 August 22, 1996, the effective date of the federal Personal Responsibility and Work
32 Opportunity Reconciliation Act, as permitted by federal law;

1 (viii) Shall provide, subject to the limitations of the State budget
2 and any other requirements imposed by the State, comprehensive medical care and
3 other health care services for all legal immigrant children under the age of 18 years
4 and pregnant women who meet Program eligibility standards and who arrived in the
5 United States on or after August 22, 1996, the effective date of the federal Personal
6 Responsibility and Work Opportunity Reconciliation Act;

7 (IX) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE
8 STATE BUDGET, AND AS ALLOWED BY FEDERAL LAW, COMPREHENSIVE MEDICAL
9 CARE AND OTHER HEALTH CARE SERVICES FOR ALL PARENTS:

10 1. WHO HAVE A DEPENDENT CHILD LIVING WITH
11 THEM; AND

12 2. WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR
13 BELOW 116 PERCENT OF THE POVERTY LEVEL;

14 (X) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE
15 STATE BUDGET, AND AS ALLOWED BY FEDERAL LAW, COMPREHENSIVE MEDICAL
16 CARE AND OTHER HEALTH CARE SERVICES FOR ADULTS:

17 1. WHO DO NOT MEET REQUIREMENTS, SUCH AS
18 AGE, DISABILITY, OR PARENT OF A DEPENDENT CHILD, FOR A FEDERAL
19 CATEGORY OF ELIGIBILITY FOR MEDICAID; AND

20 2. WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR
21 BELOW 116 PERCENT OF THE FEDERAL POVERTY LEVEL;

22 [(ix)] (XI) May include bedside nursing care for eligible Program
23 recipients; and

24 [(x)] (XII) Shall provide services in accordance with funding
25 restrictions included in the annual State budget bill.

26 (3) Subject to restrictions in federal law or waivers, the Department
27 may impose cost-sharing on Program recipients.

28 SECTION 2. AND BE IT FURTHER ENACTED, That:

29 (a) The Department of Health and Mental Hygiene shall seek approval of a
30 waiver from the Centers for Medicare and Medicaid Services that would allow the

1 State to use federal matching funds to implement Medicaid eligibility for adults, as
2 provided under § 15–103(a)(2)(x) of the Health – General Article, as enacted by Section
3 1 of this Act.

4 (b) If the Department is denied the waiver applied for under subsection (a) of
5 this section, the Department may not implement Medicaid eligibility for adults, as
6 provided under § 15–103(a)(2)(x) of the Health – General Article, as enacted by Section
7 1 of this Act.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the changes to §
9 15–103(a)(2)(x) of the Health – General Article, as enacted by Section 1 of this Act
10 shall take effect on the date that the federal Centers for Medicare and Medicaid
11 Services approves a waiver applied for in accordance with Section 2 of this Act. If the
12 waiver is denied, the changes to § 15–103(a)(2)(x) of the Health – General Article, as
13 enacted by Section 1 of this Act, shall be null and void without the necessity of further
14 action by the General Assembly. The Department of Health and Mental Hygiene,
15 within 5 days after receiving notice of approval or denial of a waiver, shall forward a
16 copy of the notice to the Department of Legislative Services, 90 State Circle,
17 Annapolis, Maryland 21401.

18 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to Section 3 of
19 this Act, this Act shall take effect July 1, 2007.