

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 899

(Delegate Hubbard, *et al.*)

Health and Government Operations

Finance

Nursing Facility Residents - Home-Based and Community Services - Access Assistance

This bill requires specified information provided by social workers to nursing facility residents regarding home- and community-based services to be provided upon admission and discharge, rather than one or the other. The bill also defines a “designated protection and advocacy systems agency” as a protection and advocacy systems agency that is designated as an independent advocate for individuals with disabilities under the federal Developmental Disabilities Act.

Fiscal Summary

State Effect: The bill does not materially affect State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A social worker must provide specified information to each nursing facility resident, upon his or her admission or discharge, regarding the availability of services under home- or community-based waiver programs, Medicaid reimbursement options, and case management or evaluation services related to the waiver programs or other long-term care services.

If a resident who would qualify for home- and community-based services indicates an interest or preference for living in the community, a representative of the Department of Health and Mental Hygiene must provide the resident with:

- additional information regarding the services, including those under a Medicaid waiver and their right to access the services;
- assistance in completing any application forms or process, as needed; and
- assistance in moving from a nursing facility to a community-based setting appropriate to the resident's needs and expressed wishes.

Employees or representatives of protection and advocacy agencies and of centers for independent living must have reasonable and unaccompanied access to nursing facility residents in the State that receive Medicaid reimbursement to provide information, training, and referral to programs and services addressing the needs of people with disabilities, including participation in programs that would enable individuals with disabilities to live outside the nursing facility.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Office of Administrative Hearings, Department of Legislative Services

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