

HOUSE BILL 778

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CF SB 743

By: **Delegates Mizeur, Smigiel, Ross, Alston, Barkley, Bobo, Carr, Frick, Gaines, Hixson, Hubbard, Jameson, Jones, Kaiser, A. Kelly, Lee, Luedtke, McIntosh, A. Miller, Murphy, Nathan-Pulliam, Pena-Melnyk, and Reznik**

Introduced and read first time: February 10, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Planning Works Act**

3 FOR the purpose of altering the eligibility requirements for family planning services
4 under the Maryland Medical Assistance Program by requiring the Program to
5 provide those services to all women whose family income is at or below a certain
6 percent of the poverty level under certain circumstances; making this Act
7 subject to a certain contingency; and generally relating to eligibility for family
8 planning services under the Maryland Medical Assistance Program.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 15–103(a)
12 Annotated Code of Maryland
13 (2009 Replacement Volume and 2010 Supplement)

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

16 **Article – Health – General**

17 15–103.

18 (a) (1) The Secretary shall administer the Maryland Medical Assistance
19 Program.

20 (2) The Program:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

12 (iv) Shall provide, subject to the limitations of the State budget,
13 family planning services to **ALL** women [currently eligible for comprehensive medical
14 care and other health care under item (ii) of this paragraph for 5 years after the
15 second month following the month in which the woman delivers her child] **WHOSE**
16 **FAMILY INCOME IS AT OR BELOW 250 PERCENT OF THE POVERTY LEVEL, AS**
17 **PERMITTED BY FEDERAL LAW;**

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

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

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

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

37 (ix) Beginning on July 1, 2008, shall provide, subject to the
38 limitations of the State budget, and as permitted by federal law, comprehensive
39 medical care and other health care services for all parents and caretaker relatives;

1 1. Who have a dependent child living in the parents' or
2 caretaker relatives' home; and

3 2. Whose annual household income is at or below 116
4 percent of the poverty level;

5 (x) Beginning on July 1, 2008, shall provide, subject to the
6 limitations of the State budget, and as permitted by federal law, medical care and
7 other health care services for adults:

8 1. Who do not meet requirements, such as age,
9 disability, or parent or caretaker relative of a dependent child, for a federal category of
10 eligibility for Medicaid;

11 2. Whose annual household income is at or below 116
12 percent of the poverty level; and

13 3. Who are not enrolled in the federal Medicare
14 program, as enacted by Title XVIII of the Social Security Act;

15 (xi) Shall provide, subject to the limitations of the State budget,
16 and as permitted by federal law, comprehensive medical care and other health care
17 services for independent foster care adolescents:

18 1. Who are not otherwise eligible for Program benefits;
19 and

20 2. Whose annual household income is at or below 300
21 percent of the poverty level;

22 (xii) May include bedside nursing care for eligible Program
23 recipients; and

24 (xiii) 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:

28 (i) Impose cost-sharing on Program recipients; and

29 (ii) For adults who do not meet requirements for a federal
30 category of eligibility for Medicaid:

31 1. Cap enrollment; and

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1 2. Limit the benefit package, except that substance
2 abuse services shall be provided that are at least equivalent to the substance abuse
3 services provided to adults under paragraph (2)(ix) of this subsection.

4 (4) In fiscal year 2011 and each fiscal year thereafter, the Governor
5 shall include in the State budget funding sufficient to provide the substance abuse
6 benefits required under paragraph (3)(ii)2 of this subsection.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on
8 an appropriation for FY 2012 in the amount necessary to cover the costs of the
9 implementation of this Act, or receipt on or before October 1, 2011, of a private grant
10 of at least the same amount. If a grant is received to cover the costs of the
11 implementation of this Act, the Department of Health and Mental Hygiene shall notify
12 the Department of Legislative Services within 5 days after the grant is received. If an
13 appropriation is not made and notice of receipt of a grant is not received by the
14 Department of Legislative Services in accordance with this section, this Act shall be
15 null and void without the necessity of further action by the General Assembly.

16 SECTION 3. AND BE IT FURTHER ENACTED, That, subject to Section 2 of
17 this Act, this Act shall take effect October 1, 2011.