

SENATE BILL 231

03

2lr0050

By: **Chair, Finance Committee (By Request – Departmental – Disabilities)**

Introduced and read first time: January 20, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Individuals with Disabilities – Attendant Care Program**

3 FOR the purpose of altering the method used by the Attendant Care Program in the
4 Department of Disabilities to determine sliding payment scales for certain
5 eligible individuals; altering the description of a certain category of eligible
6 individuals who are at risk of placement in a nursing facility or similar
7 institution; authorizing the Secretary of Disabilities to waive a certain
8 proportional requirement if there is a waiting list for certain eligible
9 individuals; authorizing the Secretary to adopt certain regulations; prohibiting
10 the removal of certain eligible individuals from the Program under certain
11 circumstances; altering a certain definition; and generally relating to the
12 Attendant Care Program in the Department of Disabilities.

13 BY repealing and reenacting, without amendments,

14 Article – Human Services

15 Section 7–401(a) and 7–402(a)

16 Annotated Code of Maryland

17 (2007 Volume and 2011 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article – Human Services

20 Section 7–401(d), 7–402(b), and 7–404

21 Annotated Code of Maryland

22 (2007 Volume and 2011 Supplement)

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

25 **Article – Human Services**

26 7–401.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle the following words have the meanings indicated.

2 (d) “Eligible individual” means an individual who:

3 (1) is at least 18 years old and under the age of 65 years **AT THE TIME**
4 **OF THE INITIAL ELIGIBILITY DETERMINATION**; and

5 (2) has a severe chronic or permanent physical disability that
6 precludes or significantly impairs the individual’s independent performance of
7 essential activities of daily living, self-care, or mobility.

8 7-402.

9 (a) (1) There is an Attendant Care Program in the Department.

10 (2) The purpose of the Program is to provide financial assistance to
11 eligible individuals for attendant care services.

12 (b) The Department shall provide financial assistance in accordance with a
13 sliding payment scale that the Department establishes by regulation **FOR EACH**
14 **CATEGORY OF ELIGIBLE INDIVIDUALS DESCRIBED IN § 7-404(A) OF THIS**
15 **SUBTITLE**.

16 7-404.

17 (a) (1) The Department shall ensure that at any given time at least 50%
18 of the eligible individuals receiving financial assistance under the Program are:

19 (i) gainfully employed;

20 (ii) actively seeking employment; or

21 (iii) attending an institution of postsecondary or higher
22 education, as defined in § 10-101 of the Education Article.

23 (2) The remainder of the eligible individuals receiving financial
24 assistance under the Program shall be individuals who:

25 (i) reside in a nursing [home] **FACILITY** or similar institution
26 licensed to provide chronic or intermediate care and who will be deinstitutionalized as
27 a result of the Program; or

28 (ii) are [on an approved waiting list for] **CERTIFIED BY AN**
29 **ATTENDING PHYSICIAN OR CERTIFIED NURSE PRACTITIONER AS BEING AT RISK**
30 **OF PLACEMENT IN** a nursing [home] **FACILITY** or similar institution licensed to

1 provide chronic or intermediate care IF ATTENDANT CARE SERVICES ARE NOT
2 RECEIVED IN THE COMMUNITY.

3 (b) (1) SUBJECT TO THE AVAILABILITY OF FUNDS, THE SECRETARY
4 MAY WAIVE THE PROPORTIONAL REQUIREMENT OF SUBSECTION (A)(1) OF THIS
5 SECTION IN THE EVENT THERE IS A WAITING LIST OF ELIGIBLE INDIVIDUALS
6 DESCRIBED IN SUBSECTION(A)(2) OF THIS SECTION.

7 (2) THE SECRETARY MAY ADOPT REGULATIONS TO ESTABLISH
8 PRIORITIES AND PROCEDURES FOR A WAITING LIST OF ELIGIBLE INDIVIDUALS.

9 (3) AN ELIGIBLE INDIVIDUAL RECEIVING FINANCIAL ASSISTANCE
10 MAY NOT BE REMOVED FROM THE PROGRAM TO ACHIEVE THE PROPORTIONAL
11 REQUIREMENT UNDER SUBSECTION (A)(1) OF THIS SECTION.

12 (C) Financial assistance provided under the Program may not duplicate any
13 other State or federal assistance for attendant care services that an eligible individual
14 receives.

15 [(c)] (D) The Department shall limit participation in the Program to the
16 number of eligible individuals who can be served with the funds appropriated for the
17 Program in the State budget.

18 [(d)] (E) Each year, the Department shall review the eligibility of each
19 individual receiving financial assistance.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2012.