

HOUSE BILL 954

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EMERGENCY BILL

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By: **Delegates Mizeur, Bobo, Cullison, Fraser-Hidalgo, Frick, Gutierrez, A. Kelly, Luedtke, Mitchell, Morhaim, B. Robinson, and M. Washington**

Introduced and read first time: February 6, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Medicaid Streamlined Eligibility Act of 2014

FOR the purpose of requiring the Department of Health and Mental Hygiene, subject to certain conditions, to extend the Medicaid renewal period for certain renewals in a certain manner; requiring the Department to enroll individuals and parents into Medicaid based on certain eligibility; requiring the Department to adopt a certain continuous eligibility period for parents, other adults, and children; requiring the Department to follow the guidance in a certain letter in implementing certain provisions of this Act; making this Act an emergency measure; and generally relating to eligibility, enrollment, and renewal in Medicaid.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(a)
Annotated Code of Maryland
(2009 Replacement Volume and 2013 Supplement)

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

Article – Health – General

15–103.

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

(2) The Program:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

(iv) Beginning on January 1, 2012, shall provide, subject to the limitations of the State budget, family planning services to all women whose family income is at or below 200 percent of the poverty level, as permitted by federal law;

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

(vi) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all children who are at least 6 years of age but are under 19 years of age whose family income falls below 133 percent of the poverty level, as permitted by federal law;

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

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

(ix) Beginning on January 1, 2014, shall provide, subject to the limitations of the State budget, and as permitted by federal law, medical care and other health care services for adults whose annual household income is at or below 133 percent of the poverty level;

(x) Subject to the limitations of the State budget, and as permitted by federal law:

1. Shall provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of the State and are not otherwise eligible for Program benefits; and

2. May provide comprehensive medical care and other health care services for former foster care adolescents who, on their 18th birthday, were in foster care under the responsibility of any other state or the District of Columbia;

(xi) May include bedside nursing care for eligible Program recipients; and

(xii) Shall provide services in accordance with funding restrictions included in the annual State budget bill.

(3) Subject to restrictions in federal law or waivers, the Department may:

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

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

1. Cap enrollment; and

2. Limit the benefit package.

(4) Subject to the limitations of the State budget, the Department shall implement the provisions of Title II of the federal Patient Protection and Affordable Care Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, to include:

(i) Parents and caretaker relatives who have a dependent child living in the parents' or caretaker relatives' home; and

(ii) Adults who do not meet requirements, such as age, disability, or parent or caretaker relative of a dependent child, for a federal category of eligibility for Medicaid and who are not enrolled in the federal Medicare program, as enacted by Title XVII of the Social Security Act.

(5) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, AND AS PERMITTED BY FEDERAL LAW, THE DEPARTMENT SHALL:

(I) EXTEND THE MEDICAID RENEWAL PERIOD SO THAT RENEWALS THAT OTHERWISE WOULD OCCUR DURING THE PERIOD OF JANUARY 1, 2014, THROUGH MARCH 31, 2014, OCCUR LATER;

(II) ENROLL INDIVIDUALS INTO MEDICAID BASED ON ELIGIBILITY FOR THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

(III) ENROLL PARENTS INTO MEDICAID BASED ON THE INCOME ELIGIBILITY OF THEIR CHILDREN;

(IV) ADOPT 12-MONTH CONTINUOUS ELIGIBILITY FOR PARENTS AND OTHER ADULTS; AND

(V) ADOPT 12-MONTH CONTINUOUS ELIGIBILITY FOR CHILDREN.

SECTION 2. AND BE IT FURTHER ENACTED, That in implementing the provisions of § 15-103(a)(5)(i) through (iv) of the Health – General Article, as enacted by Section 1 of this Act, the Department of Health and Mental Hygiene shall follow the guidance provided by the director of the Center for Medicaid and CHIP Services of the federal Centers for Medicare and Medicaid Services in a May 17, 2013, letter to state health officials and state Medicaid directors.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.