

SENATE BILL 721

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By: **Senators Manno, Astle, Benson, Brochin, Colburn, Currie, Edwards, Ferguson, Forehand, Frosh, Glassman, Jacobs, Jones–Rodwell, King, Klausmeier, Madaleno, McFadden, Montgomery, Muse, Peters, Pinsky, Pugh, Ramirez, Reilly, Rosapepe, Stone, Young, and Zirkin**

Introduced and read first time: January 31, 2014

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

Maryland Medical Assistance Program – Services for Children With Down Syndrome (Micah’s Law)

FOR the purpose of requiring the Department of Health and Mental Hygiene to apply to the Centers for Medicare and Medicaid Services for a certain waiver in order to receive federal matching funds for certain services to certain children with Down syndrome; and generally relating to the Medical Assistance Program and a waiver for services for children with Down syndrome.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–130
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

15–130.

(a) In this section, “seriously emotionally disturbed” means a condition that is:

(1) Manifest in an individual younger than 18 years or, if the individual is in a residential treatment center, younger than 21 years;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) Diagnosed according to the current diagnostic classification system that is recognized by the Secretary; and

(3) Characterized by a functional impairment that substantially interferes with or limits the child's role or functioning in the family, school, or community activities.

(b) (1) The Department shall apply to the Health Care Financing Administration of the federal Department of Health and Human Services for a home- and community-based services waiver under § 1915(c) of the federal Social Security Act in order to receive federal matching funds for services to seriously emotionally disturbed individuals who would otherwise require institutionalization in a residential treatment center.

(2) The Department shall apply to the Health Care Financing Administration of the federal Department of Health and Human Services for a home- and community-based services waiver under § 1915(c) of the federal Social Security Act in order to receive federal matching funds for services to autistic children aged 1 through 21 years who would otherwise require institutionalization in an institution for the developmentally disabled.

(3) THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR A HOME- AND COMMUNITY-BASED SERVICES WAIVER UNDER § 1915(C) OF THE FEDERAL SOCIAL SECURITY ACT IN ORDER TO RECEIVE FEDERAL MATCHING FUNDS FOR SERVICES TO CHILDREN WITH DOWN SYNDROME WHO ARE UNDER THE AGE OF 22 YEARS AND WHO MEET AN INSTITUTIONAL CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED, A HOSPITAL, OR A NURSING HOME LEVEL OF CARE.

(c) In accordance with subsection (b)(1) [and], (2), AND **(3)** of this section, the services to be provided for seriously emotionally disturbed individuals [or], autistic children, **OR CHILDREN WITH DOWN SYNDROME** may include, but are not limited to:

- (1) Respite services;
- (2) Family training and education;
- (3) Day treatment services;
- (4) Therapeutic integration services;
- (5) Intensive individual support services;
- (6) Therapeutic living services;

- (7) Intensive in-home intervention services; and
- (8) Specialized case management services.

(d) The State matching funds required to cover the Medicaid costs under the waiver for autistic children shall be certified or otherwise provided by the Maryland State Department of Education, local school systems, and local lead agencies.

(e) The State matching funds required to cover the Medicaid costs under the waiver for seriously emotionally disturbed individuals shall be certified or otherwise provided by the Maryland State Department of Education, local school systems, local lead agencies, and the Mental Hygiene Administration.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.