A BILL ENTITLED

AN ACT concerning

Developmental Disabilities Administration – Medicaid Fair Hearings

FOR the purpose of requiring the Department of Health and Mental Hygiene to provide notice and an opportunity for a Medicaid fair hearing to certain applicants and recipients of Developmental Disabilities Administration Medicaid waiver services; and generally relating to Developmental Disabilities Administration hearings.

BY repealing and reenacting, with amendments,

Article – Health – General
Section 7–406
Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)

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

Article – Health – General

7–406.

(a) [If a recipient of Medicaid–waiver services is denied services to be provided in accordance with a plan of habilitation under § 7–1006 of this title, the] THE Secretary shall provide [the individual with] notice and an opportunity for a Medicaid fair hearing in accordance with Title 10, Subtitle 2 of the State Government Article and federal Medicaid law TO:

(1) AN APPLICANT FOR ADMINISTRATION MEDICAID WAIVER SERVICES WHO IS DENIED ELIGIBILITY FOR THE SERVICES;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(2) AN APPLICANT FOR ADMINISTRATION MEDICAID WAIVER SERVICES WHO CONTESTS THE PRIORITY CATEGORY ASSIGNED TO THE APPLICANT FOR THE SERVICES; AND

(3) A RECIPIENT OF ADMINISTRATION MEDICAID WAIVER SERVICES WHOSE REQUEST FOR ADDITIONAL OR DIFFERENT ADMINISTRATION MEDICAID WAIVER SERVICES IS DENIED.

(b) (1) [Subject to] EXCEPT AS PROVIDED IN subsection (a) of this section, an applicant for services or a recipient of services under this title may:

(i) Request an informal hearing before the Secretary’s designee on any action or inaction of the Secretary made under this title; and

(ii) Request the Secretary to review the decision of the informal hearing.

(2) After the Secretary receives a request for a review, the Secretary shall conduct the review in accordance with Title 10, Subtitle 2 of the State Government Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2015.