

# SENATE BILL 216

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By: **Senator Kelley**

Introduced and read first time: February 2, 2015

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Guardianship Commissions and Fees –**  
3 **Income Deduction**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to deduct as  
5 a remedial service certain guardianship commissions and attorney’s fees when  
6 determining the portion of income certain recipients of Maryland Medical Assistance  
7 Program benefits are required to contribute to the cost of care under the Program;  
8 defining certain terms; and generally relating to the Maryland Medical Assistance  
9 Program and guardianship services for Program recipients.

10 BY adding to

11 Article – Health – General

12 Section 15–122.3

13 Annotated Code of Maryland

14 (2009 Replacement Volume and 2014 Supplement)

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

17 **Article – Health – General**

18 **15–122.3.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
20 **INDICATED.**

21 **(2) “AVAILABLE INCOME” MEANS THE PORTION OF INCOME OF A**  
22 **MEDICALLY NEEDY PROGRAM RECIPIENT THAT THE RECIPIENT IS REQUIRED TO**  
23 **CONTRIBUTE TO THE COST OF CARE FOR THE RECIPIENT UNDER THE PROGRAM.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(3) “DISABLED PERSON” HAS THE MEANING STATED IN § 13-101 OF**  
2 **THE ESTATES AND TRUSTS ARTICLE.**

3                   **(4) “GUARDIAN” MEANS AN INDIVIDUAL WHO HAS BEEN APPOINTED**  
4 **BY A COURT AS A GUARDIAN OF THE PERSON OF A DISABLED PERSON UNDER §**  
5 **13-705 OF THE ESTATES AND TRUSTS ARTICLE.**

6                   **(B) WHEN DETERMINING THE AVAILABLE INCOME OF A PROGRAM**  
7 **RECIPIENT WHO IS A DISABLED PERSON AND HAS A GUARDIAN, THE DEPARTMENT**  
8 **SHALL DEDUCT AS A REMEDIAL SERVICE ANY GUARDIANSHIP COMMISSIONS AND**  
9 **ATTORNEY’S FEES INCURRED BY THE RECIPIENT FOR GUARDIANSHIP SERVICES.**

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