

SENATE BILL 216

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5lr0935

By: ~~Senator Kelley~~ **Senators Kelley, Benson, Feldman, Hershey, Jennings,
Klausmeier, Mathias, Pugh, and Reilly**

Introduced and read first time: February 2, 2015

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 20, 2015

CHAPTER _____

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 specifying the amount of deductions for certain guardianship commissions and
9 attorney's fees; defining certain terms; and generally relating to the Maryland
10 Medical Assistance Program and guardianship services for Program recipients.

11 BY adding to
12 Article – Health – General
13 Section 15–122.3
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2014 Supplement)

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

18 **Article – Health – General**

19 **15–122.3.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
2 INDICATED.

3 (2) "AVAILABLE INCOME" MEANS THE PORTION OF INCOME OF A
4 MEDICALLY NEEDY PROGRAM RECIPIENT THAT THE RECIPIENT IS REQUIRED TO
5 CONTRIBUTE TO THE COST OF CARE FOR THE RECIPIENT UNDER THE PROGRAM.

6 (3) "DISABLED PERSON" HAS THE MEANING STATED IN § 13-101 OF
7 THE ESTATES AND TRUSTS ARTICLE.

8 (4) "GUARDIAN" MEANS AN INDIVIDUAL WHO HAS BEEN APPOINTED
9 BY A COURT AS A GUARDIAN OF THE PERSON OF A DISABLED PERSON UNDER §
10 13-705 OF THE ESTATES AND TRUSTS ARTICLE.

11 (B) ~~WHEN~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN
12 DETERMINING THE AVAILABLE INCOME OF A PROGRAM RECIPIENT WHO IS A
13 DISABLED PERSON AND HAS A GUARDIAN, THE DEPARTMENT SHALL DEDUCT AS A
14 REMEDIAL SERVICE ANY GUARDIANSHIP COMMISSIONS AND ATTORNEY'S FEES
15 INCURRED BY THE RECIPIENT FOR GUARDIANSHIP SERVICES.

16 (C) DEDUCTIONS FOR GUARDIANSHIP COMMISSIONS AND ATTORNEY'S
17 FEES SHALL BE \$50 PER MONTH.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.