

SENATE BILL 832

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CF HB 1196

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

Introduced and read first time: February 23, 2015

Assigned to: Rules

Re-referred to: Finance, March 6, 2015

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 27, 2015

CHAPTER _____

1 AN ACT concerning

2 **Commission on the Long-Term Care Medical Assistance Program Eligibility**
3 **Determination Process**

4 FOR the purpose of establishing the Commission on the Long-Term Care Medical
5 Assistance Program Eligibility Determination Process; providing for the
6 composition, chair, duties, and staffing of the Commission; prohibiting a member of
7 the Commission from receiving certain compensation, but authorizing the
8 reimbursement of certain expenses; requiring the Department of Health and Mental
9 Hygiene to provide certain data to the Commission on the request of the Commission;
10 requiring the Commission, on or before a certain date, to report its findings and
11 recommendations to the Governor and the General Assembly; providing for the
12 termination of this Act; and generally relating to the Commission on the Long-Term
13 Care Medical Assistance Program Eligibility Determination Process.

14 Preamble

15 WHEREAS, There are significant delays in the long-term care Maryland Medical
16 Assistance application system, including a 6 to 12 month delay for applicant approval; and

17 WHEREAS, Maryland and federal law requires eligibility determinations to be made
18 within 45 days after receiving all required documentation; and

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 WHEREAS, Delays in applicant approval negatively affect the livelihood of
2 vulnerable Marylanders and their families; and

3 WHEREAS, Delays in applicant approval negatively affect small businesses in
4 Maryland that require cash flow to operate; and

5 WHEREAS, The long-term care Maryland Medical Assistance Program eligibility
6 determination process is performed by the Department of Health and Mental Hygiene and
7 the Department of Human Resources; and

8 WHEREAS, The long-term care Maryland Medical Assistance Program eligibility
9 determination process has resulted in a loss of tens of millions of dollars to providers in the
10 last decade, affecting the ability of providers to hire and retain employees and to improve
11 physical plants; and

12 WHEREAS, The 230 skilled nursing facilities in Maryland provide 5,600,000
13 Medical Assistance days of care out of the 9,000,000 total days of care to vulnerable
14 Marylanders annually; and

15 WHEREAS, An improvement in the long-term care Maryland Medical Assistance
16 eligibility determination process will ensure that Maryland's long-term care providers
17 have the resources to provide high quality care to Marylanders in need; now, therefore,

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
19 That:

20 (a) There is a Commission on the Long-Term Care Medical Assistance Program
21 Eligibility Determination Process.

22 (b) The Commission consists of the following nine members:

23 (1) one member of the Senate of Maryland, appointed by the President of
24 the Senate;

25 (2) one member of the House of Delegates, appointed by the Speaker of the
26 House; and

27 (3) the following ~~seven~~ eight members, appointed by the Governor:

28 (i) one representative of the Department of Health and Mental
29 Hygiene;

30 (ii) one representative of the Department of Human Resources;

31 (iii) one individual with a background in technology;

1 (iv) one representative of a health care provider that receives
2 reimbursement from the Maryland Medical Assistance Program;

3 (v) one representative of the Health Facilities Association of
4 Maryland;

5 (vi) one representative of LifeSpan Network; ~~and~~

6 (vii) one representative of AARP Maryland; and

7 (viii) one representative of the Maryland Chapter of the National
8 Academy of Elder Law Attorneys.

9 (c) The Governor shall designate the chair of the Commission.

10 (d) The Department of Health and Mental Hygiene and the Department of
11 Human Resources shall provide staff for the Commission.

12 (e) A member of the Commission:

13 (1) may not receive compensation as a member of the Commission; but

14 (2) is entitled to reimbursement for expenses under the Standard State
15 Travel Regulations, as provided in the State budget.

16 (f) The Commission shall:

17 (1) identify challenges experienced in the long-term care Medical
18 Assistance Program eligibility determination process, including redeterminations;

19 (2) review the State's policies and procedures for tracking and processing
20 applications for long-term care Medical Assistance Program eligibility;

21 (3) identify the average time required to determine long-term care Medical
22 Assistance Program eligibility;

23 (4) identify the challenges, including challenges in receiving timely
24 payments, experienced by providers as a result of delays in the long-term care Medical
25 Assistance Program eligibility determination process;

26 (5) calculate the cost of consolidating the long-term care Medical
27 Assistance Program eligibility determination process into one State agency;

28 (6) evaluate the efficacy of outsourcing the long-term care Medical
29 Assistance Program eligibility determination process to a third party private vendor;

1 (7) review and evaluate the Medical Assistance Program's computer
2 system created by Computer Sciences Corporation; and

3 (8) make recommendations on methods to streamline and improve the
4 long-term care Medical Assistance Program eligibility determination and payment process.

5 (g) On the request of the Commission, the Department of Health and Mental
6 Hygiene shall provide data to the Commission to assist the Commission in performing its
7 duties as provided in subsection (f) of this section.

8 (h) On or before December 31, 2015, the Commission shall report its findings and
9 recommendations, including policy and legislative recommendations, to the Governor and,
10 in accordance with § 2-1246 of the State Government Article, the General Assembly.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
12 1, 2015. It shall remain effective for a period of 1 year and 7 months and, at the end of
13 December 31, 2016, with no further action required by the General Assembly, this Act shall
14 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.