

Chapter 399

**(House Bill 100)**

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;**

**(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:~~**

**(I) WHOSE CLAIM FOR ADMINISTRATION MEDICAID WAIVER SERVICES IS DENIED OR IS NOT ACTED ON WITH REASONABLE PROMPTNESS; OR**

**(II) WHO BELIEVES THE ADMINISTRATION HAS TAKEN AN ACTION ERRONEOUSLY.**

(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.

**Approved by the Governor, May 12, 2015.**