

SENATE BILL 939

J1, J3

6lr2911
CF HB 1181

By: **Senators Madaleno and Raskin**

Introduced and read first time: February 5, 2016

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 2016

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program – ~~Nursing Homes – Advance Payments~~**
3 **Determinations of Eligibility for Long-Term Care Services – Reports and**
4 **Meetings**

5 FOR the purpose of requiring the Department of Health and Mental Hygiene ~~to make a~~
6 ~~certain advance payment to a nursing home at the request of the nursing home under~~
7 ~~certain circumstances; providing that the advance payment may not exceed a certain~~
8 ~~amount; requiring the Department to pay the balance due to a nursing home under~~
9 ~~certain circumstances; requiring the Department to recover certain advance~~
10 ~~payments in a certain manner under certain circumstances; defining a certain term,~~
11 in consultation with the Department of Human Resources, to submit a report on the
12 State’s progress in determining the eligibility of certain applicants within a certain
13 time period to certain committees of the General Assembly on or before a certain
14 date and quarterly thereafter; requiring that the report include certain information;
15 requiring the Department of Health and Mental Hygiene, in collaboration with the
16 Department of Human Resources, to conduct certain meetings to discuss certain
17 reports and develop certain strategies; providing for the termination of this Act; and
18 generally relating to the Maryland Medical Assistance Program and ~~advance~~
19 payments to nursing homes determinations of eligibility for long-term care services.

20 ~~BY repealing and reenacting, without amendments,~~
21 ~~Article – Health – General~~
22 ~~Section 15-101(a) and (h)~~
23 ~~Annotated Code of Maryland~~
24 ~~(2015 Replacement Volume)~~

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 ~~BY adding to~~
 2 ~~Article — Health — General~~
 3 ~~Section 15-148~~
 4 ~~Annotated Code of Maryland~~
 5 ~~(2015 Replacement Volume)~~

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

8 ~~Article — Health — General~~

9 ~~15-101.~~

10 ~~(a) In this title the following words have the meanings indicated.~~

11 ~~(h) "Program" means the Maryland Medical Assistance Program.~~

12 ~~15-148.~~

13 ~~(A) IN THIS SECTION, "NURSING HOME" HAS THE MEANING STATED IN §~~
 14 ~~19-1401 OF THIS ARTICLE.~~

15 ~~(B) AT THE REQUEST OF A NURSING HOME, THE DEPARTMENT SHALL MAKE~~
 16 ~~AN ADVANCE PAYMENT TO THE NURSING HOME FOR UNCOMPENSATED PROGRAM~~
 17 ~~SERVICES PROVIDED TO A RESIDENT OF THE NURSING HOME WHO HAS FILED AN~~
 18 ~~APPLICATION FOR PROGRAM SERVICES IF THE ELIGIBILITY OF THE RESIDENT FOR~~
 19 ~~PROGRAM SERVICES HAS NOT BEEN DETERMINED WITHIN 90 DAYS AFTER THE~~
 20 ~~APPLICATION WAS FILED.~~

21 ~~(C) AN ADVANCE PAYMENT PROVIDED UNDER SUBSECTION (B) OF THIS~~
 22 ~~SECTION MAY NOT EXCEED 50% OF THE ESTIMATED AMOUNT DUE FOR THE~~
 23 ~~UNCOMPENSATED SERVICES.~~

24 ~~(D) (1) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND~~
 25 ~~AN APPLICATION FOR PROGRAM SERVICES IS GRANTED, THE DEPARTMENT SHALL~~
 26 ~~PAY THE BALANCE DUE TO THE NURSING HOME.~~

27 ~~(2) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND~~
 28 ~~AN APPLICATION FOR PROGRAM SERVICES IS DENIED, THE DEPARTMENT SHALL~~
 29 ~~RECOVER ANY ADVANCE PAYMENTS MADE ON BEHALF OF THE APPLICANT BY~~
 30 ~~REDUCING PAYMENTS DUE TO THE NURSING HOME.~~

31 ~~(a) On or before October 1, 2016, and quarterly thereafter, the Department of~~
 32 ~~Health and Mental Hygiene, in consultation with the Department of Human Resources,~~

1 shall submit a report to the Senate Finance Committee, the Senate Budget and Taxation
2 Committee, the House Health and Government Operations Committee, and the House
3 Appropriations Committee, in accordance with § 2-1246 of the State Government Article,
4 on the State's progress in determining the eligibility of applicants for long-term care
5 services under the Maryland Medical Assistance Program within 30 days after the filing of
6 the applications as required under State law.

7 (b) The reports required under subsection (a) of this section shall include:

8 (1) (i) the number of new applications filed each month with each local
9 department of social services and the Bureau of Long-Term Care Eligibility; and

10 (ii) information on pending eligibility cases, including, to the extent
11 available, detailed information on the length of time beyond 30 days it is taking for the
12 State to complete eligibility determinations, with a breakdown of the information presented
13 in 15-day increments;

14 (2) (i) steps being taken by the State to achieve compliance with the
15 requirement in State law that eligibility determinations be completed within 30 days after
16 the filing of an application; and

17 (ii) a timeline for achieving compliance with the 30-day
18 requirement; and

19 (3) information on:

20 (i) improvements made to the technology systems used to determine
21 eligibility; and

22 (ii) any planned improvements to the technology systems, including
23 the implementation of an asset verification system, with a time frame for implementation
24 of the planned improvements.

25 (c) The Department of Health and Mental Hygiene, in collaboration with the
26 Department of Human Resources, shall conduct quarterly meetings with interested
27 stakeholders to:

28 (1) discuss the report submitted under subsection (a) of this section; and

29 (2) develop strategies to resolve ongoing issues with and delays in
30 eligibility determinations for long-term care services under the Maryland Medical
31 Assistance Program.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
33 1, 2016. It shall remain effective for a period of 2 years and 6 months and, at the end of
34 December 31, 2018, with no further action required by the General Assembly, this Act shall
35 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.