

Chapter 303

(House Bill 1181)

AN ACT concerning

**Maryland Medical Assistance Program – ~~Nursing Homes – Advance Payments~~  
~~Partial Payment for Services Provided~~ Determinations of Eligibility for  
Long-Term Care Services – Reports and Meetings**

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

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

~~BY adding to  
Article – Health – General  
Section 15 – 148  
Annotated Code of Maryland  
(2015 Replacement Volume)~~

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

~~Article – Health – General~~

~~15 – 101.~~

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

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

~~15-148.~~

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

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

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

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

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

*(a) On or before October 1, 2016, and quarterly thereafter, the Department of Health and Mental Hygiene, in consultation with the Department of Human Resources, shall submit a report to the Senate Finance Committee, the Senate Budget and Taxation Committee, the House Health and Government Operations Committee, and the House Appropriations Committee, in accordance with § 2-1246 of the State Government Article, on the State's progress in determining the eligibility of applicants for long-term care services under the Maryland Medical Assistance Program within 30 days after the filing of the applications as required under State law.*

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

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

*(ii) information on pending eligibility cases, including, to the extent available, detailed information on the length of time beyond 30 days it is taking for the State*

to complete eligibility determinations, with a breakdown of the information presented in 15-day increments;

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

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

(3) information on:

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

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

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

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

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

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

**Approved by the Governor, April 26, 2016.**