

SB0476/843621/2

BY: Senator Guzzone

AMENDMENTS TO SENATE BILL 476, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with “requiring,” in line 3 down through “budget;” in line 6; in line 6, strike “a”; in the same line, strike “year,” and substitute “years”; in line 7, strike “and for each fiscal year thereafter;” in the same line, after “include” insert “certain”; in the same line, strike “adjustments” and substitute “increases”; in line 8, strike “based on” and substitute “over”; strike beginning with “requiring” in line 9 down through “period;” in line 10 and substitute “requiring the Behavioral Health Administration and the Medical Care Programs Administration jointly to conduct a certain study, develop and implement a certain payment system, and consult with stakeholders in conducting a certain study and developing a certain payment system; requiring the Administration to complete a certain study on or before a certain date; requiring the Administration to adopt certain regulations;”; in lines 12 and 13, strike “of reimbursement”; and in line 19, strike “rate of reimbursement” and substitute “rates”.

In the Finance Committee Amendments (SB0476/437871/1), in line 3 of Amendment No. 1, after “Act” insert “under certain circumstances”.

AMENDMENT NO. 2

On page 2 of the bill, strike in their entirety lines 12 through 14, inclusive; in line 15, strike “**(4)**” and substitute “**(3)**”; strike beginning with “**(1)**” in line 22 down through “**YEAR.**” in line 26; in line 27, strike “**(2)**” and substitute “**(1)**”; in the same line, strike “**(I)**”; in line 28, after “**2019**” insert “**AND FISCAL YEAR 2020**”; in the same line, strike “, **AND FOR EACH FISCAL YEAR THEREAFTER,**”; strike beginning with “**RATE**” in line 28 down through “**ON**” in line 29 and substitute “**A 3.5% RATE INCREASE FOR COMMUNITY PROVIDERS OVER**”; and in line 32, strike “**1.**” and substitute “**(I)**”.

(Over)

On page 3 of the bill, in lines 1 and 3, strike “2.” and “3.”, respectively, and substitute “(II)” and “(III)”, respectively; after line 5, insert:

“(2) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021, AND FOR EACH FISCAL YEAR THEREAFTER UNTIL THE PAYMENT SYSTEM REQUIRED UNDER SUBSECTION (D) OF THIS SECTION HAS BEEN IMPLEMENTED, SHALL INCLUDE A 3% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(I) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(II) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(III) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.”;

strike in their entirety lines 6 through 10, inclusive; after line 14, insert:

“(D) (1) THE BEHAVIORAL HEALTH ADMINISTRATION AND THE MEDICAL CARE PROGRAMS ADMINISTRATION JOINTLY SHALL:

(I) CONDUCT AN INDEPENDENT COST-DRIVEN, RATE-SETTING STUDY TO SET COMMUNITY PROVIDER RATES FOR COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES THAT INCLUDES A RATE ANALYSIS AND AN

IMPACT STUDY THAT CONSIDERS THE ACTUAL COST OF PROVIDING COMMUNITY-BASED BEHAVIORAL HEALTH SERVICES;

(II) DEVELOP AND IMPLEMENT A PAYMENT SYSTEM INCORPORATING THE FINDINGS OF THE RATE-SETTING STUDY CONDUCTED UNDER ITEM (I) OF THIS PARAGRAPH, INCLUDING PROJECTED COSTS OF IMPLEMENTATION AND RECOMMENDATIONS TO ADDRESS ANY POTENTIAL SHORTFALL IN FUNDING; AND

(III) CONSULT WITH STAKEHOLDERS, INCLUDING COMMUNITY PROVIDERS AND INDIVIDUALS RECEIVING SERVICES, IN CONDUCTING THE RATE-SETTING STUDY AND DEVELOPING THE PAYMENT SYSTEM REQUIRED BY THIS PARAGRAPH.

(2) THE ADMINISTRATION, ON OR BEFORE SEPTEMBER 30, 2019, SHALL COMPLETE THE STUDY REQUIRED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.

(3) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO IMPLEMENT THE PAYMENT SYSTEM REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION.”;

in lines 15 and 24, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 21, strike “OF REIMBURSEMENT”; in line 23, strike “SUBSECTION (C)(2)(II) OF”; in line 28, strike “REIMBURSEMENT”; and in the same line, strike “ADJUSTMENT” and substitute “ADJUSTMENTS AND THE PAYMENT SYSTEM”.

In the Finance Committee Amendments, strike Amendment No. 2 in its entirety.

On page 4 of the bill, after line 6, insert:

(Over)

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene shall notify the Department of Legislative Services within 5 days after the payment system required under § 16-201.3(d) of the Health – General Article, as enacted by Section 1 of this Act, has been implemented.

(b) If the notice required under subsection (a) of this section is not received by the Department of Legislative Services on or before June 30, 2023, this Act shall be null and void without the necessity of further action by the General Assembly.”;

and in line 7, strike “2.” and substitute “3.”.