

HOUSE BILL 1064

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8lr2197
CF SB 937

By: **Delegates West and Kipke**

Introduced and read first time: February 7, 2018

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Home– and Community–Based Waiver**
3 **Services – Prohibition on Denial**

4 FOR the purpose of prohibiting the Maryland Department of Health from denying an
5 individual access to a home– and community–based services waiver due to a lack of
6 funding for waiver services if the individual is discharged from a certain health care
7 facility directly to the individual’s home and is eligible for certain funding within a
8 certain time period; and generally relating to home– and community–based waiver
9 services under the Maryland Medical Assistance Program.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 15–137
13 Annotated Code of Maryland
14 (2015 Replacement Volume and 2017 Supplement)

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

17 **Article – Health – General**

18 15–137.

19 (a) The Department may not deny an individual access to a home– and
20 community–based services waiver due to a lack of funding for waiver services if:

21 **(1) THE INDIVIDUAL IS DISCHARGED FROM A HOSPITAL DIRECTLY TO**
22 **THE INDIVIDUAL’S HOME AND WAIVER SERVICES FOR THE INDIVIDUAL ARE**
23 **ELIGIBLE TO BE PAID FOR BY THE PROGRAM WITHIN 45 DAYS AFTER THE**
24 **DISCHARGE;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE INDIVIDUAL IS DISCHARGED FROM A SKILLED NURSING**
2 **FACILITY OR REHABILITATION FACILITY DIRECTLY TO THE INDIVIDUAL'S HOME AND**
3 **WAIVER SERVICES FOR THE INDIVIDUAL ARE ELIGIBLE TO BE PAID FOR BY THE**
4 **PROGRAM WITHIN 45 DAYS AFTER THE DISCHARGE; OR**

5 **[(1)] (3) (I)** The individual is living in a nursing facility at the time of
6 the application for waiver services;

7 **[(2)] (II)** At least 30 consecutive days of the individual's nursing facility
8 stay are eligible to be paid for by the Program;

9 **[(3)] (III)** The individual meets all of the eligibility criteria for
10 participation in the home- and community-based services waiver; and

11 **[(4)] (IV)** The home- and community-based services provided to the
12 individual would qualify for federal matching funds.

13 (b) Nothing in this section is intended to result in a reduction of federal funds
14 available to the Department.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
16 1, 2018.