

# HOUSE BILL 977

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CF SB 981

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By: **Delegate Kelly**

Introduced and read first time: February 5, 2020

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workgroup to Study Long-Term Care Medicaid Eligibility and Payments to**  
3 **Providers**

4 FOR the purpose of establishing the Workgroup to Study Long-Term Care Medicaid  
5 Eligibility and Payments to Providers; providing for the composition, cochairs, and  
6 staffing of the Workgroup; prohibiting a member of the Workgroup from receiving  
7 certain compensation, but authorizing the reimbursement of certain expenses;  
8 requiring the Workgroup to study and make recommendations regarding certain  
9 matters; requiring the Workgroup to submit an interim and a final report to the  
10 Governor and the General Assembly on or before certain dates; providing for the  
11 termination of this Act; and generally relating to the Workgroup to Study  
12 Long-Term Care Medicaid Eligibility and Payments to Providers.

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That:

15 (a) There is a Workgroup to Study Long-Term Care Medicaid Eligibility and  
16 Payments to Providers.

17 (b) The Workgroup consists of the following members:

18 (1) the Senate Chair of the Joint Committee on Children, Youth, and  
19 Families;

20 (2) the House Chair of the Joint Committee on Children, Youth, and  
21 Families;

22 (3) two members of the Senate of Maryland, appointed by the President of  
23 the Senate;

24 (4) two members of the House of Delegates, appointed by the Speaker of

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the House;

2 (5) the Secretary of Health, or the Secretary's designee;

3 (6) the Secretary of Human Services, or the Secretary's designee;

4 (7) the Secretary of Aging, or the Secretary's designee;

5 (8) the Executive Director of the Health Services Cost Review Commission,  
6 or the Executive Director's designee;

7 (9) the following members, designated by the cochairs of the Workgroup:

8 (i) one representative of the Maryland Hospital Association;

9 (ii) one representative of MedChi, the Maryland State Medical  
10 Society;

11 (iii) one representative of the Health Facilities Association of  
12 Maryland; and

13 (iv) representatives of nonprofit organizations who have expertise in  
14 areas that could assist in advancing the goals, strategies, and operations of the Workgroup;  
15 and

16 (10) additional members invited by the cochairs of the Workgroup.

17 (c) The Senate Chair of the Joint Committee on Children, Youth, and Families  
18 and the House Chair of the Joint Committee on Children, Youth, and Families shall serve  
19 as cochairs of the Workgroup.

20 (d) The Department of Legislative Services shall provide staff for the Workgroup.

21 (e) A member of the Workgroup:

22 (1) may not receive compensation as a member of the Workgroup; but

23 (2) is entitled to reimbursement for expenses under the Standard State  
24 Travel Regulations, as provided in the State budget.

25 (f) The Workgroup shall:

26 (1) identify, compile information on, and study:

27 (i) the unique needs related to long-term care eligibility under the  
28 Maryland Medical Assistance Program;

1 (ii) the process for determining eligibility for long-term care services  
2 provided by the Maryland Medical Assistance Program;

3 (iii) the transparency of long-term care eligibility decisions made by  
4 the Maryland Medical Assistance Program; and

5 (iv) permanent payments for long-term care services provided to  
6 Marylanders in need under the Maryland Medical Assistance Program;

7 (2) identify gaps in eligibility determinations for long-term care services  
8 made by the Maryland Medical Assistance Program that delay or lead to the denial of  
9 payments to skilled nursing and rehabilitation centers;

10 (3) identify and study issues with caseworkers, caseload, high turnovers,  
11 vacancies, and training associated with long-term care services provided by the Maryland  
12 Medical Assistance Program;

13 (4) identify gaps that have created barriers to access to quality long-term  
14 care services under the Maryland Medical Assistance Program and have placed  
15 unnecessary burdens on State residents and their families;

16 (5) identify technical, compliance, and process issues associated with the  
17 Assets Verification System as used by the Maryland Medical Assistance Program for  
18 making long-term care eligibility determinations, including processing times, and Assets  
19 Verification System contract renewal deadlines; and

20 (6) identify and study the issues faced by the Problem Resolution Unit  
21 regarding long-term care services provided by the Maryland Medical Assistance Program.

22 (g) The Workgroup shall make recommendations on:

23 (1) developing clear criteria and consistent policies to correct the current  
24 backlog of eligibility determinations for long-term care services provided by the Maryland  
25 Medical Assistance Program and prevent any future backlog;

26 (2) developing methods that may be used to streamline the eligibility  
27 determination process for long-term care services provided by the Maryland Medical  
28 Assistance Program by using technology and implementing policies to simplify the  
29 documentation and verification process;

30 (3) consolidating the entities, preferably under the Maryland Department  
31 of Health, that implement and oversee the process for determining eligibility for long-term  
32 care services provided by the Maryland Medical Assistance Program;

33 (4) the automatic renewal of contracts for the electronic Assets Verification  
34 System used to make eligibility determinations for long-term care services provided by the  
35 Maryland Medical Assistance Program;

1 (5) the feasibility of requiring caseworkers, in accordance with policy, to  
2 offer assistance to applicants for long-term care services provided by the Maryland Medical  
3 Assistance Program in obtaining the information necessary for making an eligibility  
4 determination;

5 (6) streamlining the amount of information needed to make eligibility  
6 determinations for long-term care services provided by the Maryland Medical Assistance  
7 Program and enforcing Maryland “good faith/reasonable certainty” policies in cases where  
8 verification of information is unattainable;

9 (7) developing a system to guide caseworkers in evaluating applications for  
10 long-term care services provided by the Maryland Medical Assistance Program in a  
11 manner that is consistent and efficient and would prevent or reduce backlogs;

12 (8) the feasibility of setting shorter time standards for making eligibility  
13 determinations for long-term care services provided by the Maryland Medical Assistance  
14 Program by requiring that the eligibility determinations and the notification to the  
15 applicant regarding eligibility is made within 45 days after receipt of all required  
16 information;

17 (9) legislation, regulations, and policy initiatives needed to address needs  
18 related to long-term care services and payments for long-term care services provided by  
19 the Maryland Medical Assistance Program to Marylanders;

20 (10) funding requirements and budgetary priorities to address the needs  
21 associated with the long-term care eligibility determination process under the Maryland  
22 Medical Assistance Program; and

23 (11) any other relevant issues or considerations identified by the  
24 Workgroup.

25 (h) On or before December 1, 2020, the Workgroup shall submit an interim report  
26 of its findings and recommendations to the Governor and, in accordance with § 2-1257 of  
27 the State Government Article, the General Assembly.

28 (i) On or before June 30, 2021, the Workgroup shall submit a final report of its  
29 findings and recommendations to the Governor and, in accordance with § 2-1257 of the  
30 State Government Article, the General Assembly.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
32 1, 2020. It shall remain effective for a period of 2 years and 1 month and, at the end of June  
33 30, 2022, this Act, with no further action required by the General Assembly, shall be  
34 abrogated and of no further force and effect.