J1 0lr3092 CF SB 796

By: Delegate Cullison

Introduced and read first time: February 5, 2020 Assigned to: Health and Government Operations

## A BILL ENTITLED

## 1 AN ACT concerning

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## Developmental Disabilities Administration – Program Changes and Required Reports

4 FOR the purpose of requiring the Maryland Department of Health to ensure that providers 5 of and individuals who receive certain services are not negatively impacted when 6 using a certain software system or function; requiring that an individual receiving 7 certain services who receives a certain notice have a certain time period to appeal a 8 eligibility determination; requiring certain services to continue 9 uninterrupted under certain circumstances until the outcome of a certain appeal is complete; requiring the Department to ensure that certain providers are notified of 10 11 a certain eligibility determination; prohibiting the Department from implementing 12 certain changes to Developmental Disabilities Administration programs and billing 13 system requirements before a certain date; requiring the Department to delay the implementation of certain changes to a certain electronic visit verification function 14 until a certain date; requiring the Department to submit certain reports to the 15 16 General Assembly on or before a certain date; and generally relating to 17 developmental disabilities services.

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19 Article – Health – General

20 Section 7–309

Annotated Code of Maryland

22 (2019 Replacement Volume)

23 Preamble

WHEREAS, Over 24,000 Marylanders who rely on Developmental Disabilities Administration (DDA) services, and over 4,000 people with intellectual and developmental disabilities on the DDA Waiting List, and their families, need a strong, stable system of supports and services; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



WHEREAS, There are over 1,000 people with intellectual and developmental disabilities who currently self-direct their supports, and rely on the DDA for funding, policies, and procedures to use support; and

WHEREAS, There are over 200 community—based provider agencies, employing thousands of direct support professionals working in the State, that rely on the DDA for funding, policies, and procedures to provide quality supports; and

- WHEREAS, There are hundreds of family members of people with intellectual and developmental disabilities who depend on reliable DDA services and supports for their family members in order to continue to work in Maryland; and
- WHEREAS, The DDA has a budget of over \$1.3 billion, representing a significant investment of federal and State resources; and
- WHEREAS, The DDA is engaging in complete systems change involving all aspects of the provision of supports and services to over 24,000 Marylanders with intellectual and developmental disabilities and their families; and
- WHEREAS, The total systems change effort will affect all parts of community supports, and has created system instability that will jeopardize community supports and services if allowed to continue in the current manner and pace to meet the Department's implementation goal of July 1, 2020; now, therefore,
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 20 That the Laws of Maryland read as follows:

## 21 Article - Health - General

22 **7–309.** 

- (A) THE DEPARTMENT SHALL ENSURE THAT PROVIDERS OF AND INDIVIDUALS WHO RECEIVE ADMINISTRATION SERVICES ARE NOT ADVERSELY IMPACTED WHEN USING THE LONG TERM SERVICES AND SUPPORTS SOFTWARE SYSTEM OR THE ELECTRONIC VISIT VERIFICATION FUNCTION.
- 27 (B) (1) AN INDIVIDUAL RECEIVING ADMINISTRATION SERVICES WHO
  28 RECEIVES NOTICE FROM THE DEPARTMENT THAT THE INDIVIDUAL HAS LOST
  29 ELIGIBILITY TO RECEIVE MARYLAND MEDICAL ASSISTANCE PROGRAM SERVICES
  30 SHALL HAVE 30 DAYS AFTER THE DATE ON WHICH THE NOTIFICATION LETTER WAS
  31 MAILED TO APPEAL THE DETERMINATION.
- 32 **(2)** IF AN INDIVIDUAL APPEALS A LOSS OF ELIGIBILITY WITHIN THE 33 TIME PERIOD REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION. 34 ADMINISTRATION **SERVICES** FOR THE INDIVIDUAL SHALL **CONTINUE** 35 UNINTERRUPTED UNTIL THE OUTCOME OF THE APPEAL IS COMPLETE.

1 2 3 4	(3) THE DEPARTMENT SHALL ENSURE THAT PROVIDERS OF ADMINISTRATION SERVICES TO AN INDIVIDUAL AFFECTED BY A LOSS OF ELIGIBILITY ARE NOTIFIED OF THE INDIVIDUAL'S LOSS OF ELIGIBILITY WHEN NOTICE IS SENT TO THE INDIVIDUAL.
5	SECTION 2. AND BE IT FURTHER ENACTED, That:
6 7	(a) (1) The Maryland Department of Health may not, before July 1, 2021, implement:
8 9 10 11	(i) the transition to waiver service definitions planned to take effect in fiscal 2021 under the current waiver application, as approved by the Centers for Medicare and Medicaid Services, or in any subsequent waiver application made by the Department;
12	(ii) new billing system requirements; or
13 14	(iii) a transition to the Long Term Services and Supports software system.
15 16 17 18	(b) The Maryland Department of Health shall delay implementation of changes to the Electronic Visit Verification function until January 1, 2021, in accordance with the extension requested by the Department and approved by the Centers for Medicare and Medicaid Services.
19 20 21 22 23	(c) On or before December 1, 2020, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the status of the pilot program to transition Developmental Disabilities Administration services to the Long Term Services and Supports software system, including:
24 25	(1) the status of all functions of the software system that are used to provide supports for people using Administration services, including:
26	(i) the coordination of community services function;
27	(ii) the person-centered plan function;
28	(iii) the attendance and billing function;
29	(iv) the documentation function; and
30	(v) the fiscal reconciliation report function; and
31	(2) the average amount of time required to process and complete payments

1 for services rendered.

- 2 (d) On or before December 1, 2020, the Department shall submit a report to the 3 General Assembly, in accordance with § 2–1257 of the State Government Article, that 4 includes:
- 5 (1) the time, deadlines, and resources required for a provider, including a direct support professional, to complete the training and obtain equipment required to use the Long Term Services and Supports software system and to complete responsibilities for billing and documentation;
- 9 (2) actions taken by the Developmental Disabilities Administration to:
- 10 (i) ensure the transition to the Long Term Services and Supports 11 software system does not limit a person's full use, in a timely manner, of services authorized 12 through the person–centered plan; and
- 13 (ii) remove any barriers that may be presented by the 14 Administration's monthly or more frequent service authorization requirements;
- 15 (3) actions taken by the Developmental Disabilities Administration to 16 ensure that:
- 17 (i) supports for individuals with intellectual and developmental 18 disabilities are not disrupted by a transition to the Long Term Services and Supports 19 software system;
- 20 (ii) providers and vendors receive timely payment for approved 21 services rendered; and
- (iii) a plan is in place to ensure continuity of services and payment for services rendered in the event of system functionality issues, errors, or delays caused by the Administration or coordinators of community services;
- 25 (4) actions taken by the Developmental Disabilities Administration to 26 ensure the system allows for flexibility in service start dates, including services started on 27 a day other than the first of the month, and to ensure the ability of providers to bill for 28 approved services rendered, regardless of start date;
- 29 (5) actions taken by the Maryland Department of Health to ensure that all 30 licensed providers have base and site electronic provider revalidation and enrollment portal 31 numbers with accurate service addresses;
- 32 (6) a description of the reporting and audit standards that will be required 33 of providers, and the associated report templates;
- 34 (7) written policies, procedures, and guidelines for the transition to, and

implementation of, the Long Term Services and Supports software system and all facets of 1 2 service system change, including the transition to the use of the Electronic Visit 3 Verification system: 4 (8)a comprehensive guide for individuals and the families of individuals that use Developmental Disabilities Administration supports that describes the services 5 that are available through the Administration including: 6 7 services available under each of the Family Supports, (i) 8 Community Supports, and Community Pathways waivers with funding parameters, definitions, and examples; 9 10 a list of providers who are licensed or certified to provide services in each waiver with contact information and detailed information on self-directed services 11 12 options; and 13 (iii) information detailing: 14 how individuals may access needed services: 1. 15 2. the eligibility requirements and the process for 16 determining eligibility for services; and 17 3. the timelines from initial determination of eligibility to the 18 access of Administration services; 19 the status of delays on person-centered plan approvals or service (9)20 authorizations and actions needed to eliminate the backlog of delayed plans; 21an impact analysis of the effect of a new rate system, service definitions, 22and eligibility guidelines for individuals who access Developmental Disabilities 23 Administration services: 24an analysis of the impact of the implementation of new rates by 25individual provider and by service; 26 how the Developmental Disabilities Administration will ensure that 27 providers have sufficient working capital to transition successfully from a prospective payment system to a fee-for-service system; and 28 29 the funding needed to enable community providers to successfully (13)30 transition to: 31 (i) the Long Term Services and Support software system; and

any new rate and billing systems.

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SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June  $2\,$   $\,$  1, 2020.