

# SENATE BILL 796

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CF HB 984

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By: **Senator Guzzone**

Introduced and read first time: February 3, 2020

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration – Program Changes and Required**  
3 **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 certain eligibility determination; requiring certain services to continue  
9 uninterrupted under certain circumstances until the outcome of a certain appeal is  
10 complete; requiring the Department to ensure that certain providers are notified of  
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  
14 implementation of certain changes to a certain electronic visit verification function  
15 until a certain date; requiring the Department to submit certain reports to the  
16 General Assembly on or before a certain date; and generally relating to  
17 developmental disabilities services.

18 BY adding to  
19 Article – Health – General  
20 Section 7–309  
21 Annotated Code of Maryland  
22 (2019 Replacement Volume)

23 Preamble

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

7 WHEREAS, There are hundreds of family members of people with intellectual and  
8 developmental disabilities who depend on reliable DDA services and supports for their  
9 family members in order to continue to work in Maryland; and

10 WHEREAS, The DDA has a budget of over \$1.3 billion, representing a significant  
11 investment of federal and State resources; and

12 WHEREAS, The DDA is engaging in complete systems change involving all aspects  
13 of the provision of supports and services to over 24,000 Marylanders with intellectual and  
14 developmental disabilities and their families; and

15 WHEREAS, The total systems change effort will affect all parts of community  
16 supports, and has created system instability that will jeopardize community supports and  
17 services if allowed to continue in the current manner and pace to meet the Department's  
18 implementation goal of July 1, 2020; now, therefore,

19 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.**

23 **(A) THE DEPARTMENT SHALL ENSURE THAT PROVIDERS OF AND**  
24 **INDIVIDUALS WHO RECEIVE ADMINISTRATION SERVICES ARE NOT ADVERSELY**  
25 **IMPACTED WHEN USING THE LONG TERM SERVICES AND SUPPORTS SOFTWARE**  
26 **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           **(3) THE DEPARTMENT SHALL ENSURE THAT PROVIDERS OF**  
2 **ADMINISTRATION SERVICES TO AN INDIVIDUAL AFFECTED BY A LOSS OF**  
3 **ELIGIBILITY ARE NOTIFIED OF THE INDIVIDUAL'S LOSS OF ELIGIBILITY WHEN**  
4 **NOTICE IS SENT TO THE INDIVIDUAL.**

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

6           (a) (1) The Maryland Department of Health may not, before July 1, 2021,  
7 implement:

8                   (i) the transition to waiver service definitions planned to take effect  
9 in fiscal 2021 under the current waiver application, as approved by the Centers for  
10 Medicare and Medicaid Services, or in any subsequent waiver application made by the  
11 Department;

12                   (ii) new billing system requirements; or

13                   (iii) a transition to the Long Term Services and Supports software  
14 system.

15           (b) The Maryland Department of Health shall delay implementation of changes  
16 to the Electronic Visit Verification function until January 1, 2021, in accordance with the  
17 extension requested by the Department and approved by the Centers for Medicare and  
18 Medicaid Services.

19           (c) On or before December 1, 2020, the Maryland Department of Health shall  
20 report to the General Assembly, in accordance with § 2-1257 of the State Government  
21 Article, on the status of the pilot program to transition Developmental Disabilities  
22 Administration services to the Long Term Services and Supports software system,  
23 including:

24                   (1) the status of all functions of the software system that are used to  
25 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  
6 direct support professional, to complete the training and obtain equipment required to use  
7 the Long Term Services and Supports software system and to complete responsibilities for  
8 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

22 (iii) a plan is in place to ensure continuity of services and payment  
23 for services rendered in the event of system functionality issues, errors, or delays caused  
24 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

1 implementation of, the Long Term Services and Supports software system and all facets of  
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  
5 that use Developmental Disabilities Administration supports that describes the services  
6 that are available through the Administration including:

7 (i) services available under each of the Family Supports,  
8 Community Supports, and Community Pathways waivers with funding parameters,  
9 definitions, and examples;

10 (ii) a list of providers who are licensed or certified to provide services  
11 in each waiver with contact information and detailed information on self-directed services  
12 options; and

13 (iii) information detailing:

14 1. how individuals may access needed services;

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 (9) the status of delays on person-centered plan approvals or service  
20 authorizations and actions needed to eliminate the backlog of delayed plans;

21 (10) an impact analysis of the effect of a new rate system, service definitions,  
22 and eligibility guidelines for individuals who access Developmental Disabilities  
23 Administration services;

24 (11) an analysis of the impact of the implementation of new rates by  
25 individual provider and by service;

26 (12) how the Developmental Disabilities Administration will ensure that  
27 providers have sufficient working capital to transition successfully from a prospective  
28 payment system to a fee-for-service system; and

29 (13) the funding needed to enable community providers to successfully  
30 transition to:

31 (i) the Long Term Services and Support software system; and

32 (ii) any new rate and billing systems.

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