

CF 7r1244

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**By: The Speaker (Administration) and Delegates Oaks, Nathan-Pulliam, Turner, Frush, D. Davis, Rudolph, Kopp, Grosfeld, and Pitkin**

Introduced and read first time: January 27, 1997

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 ~~Maryland Medical Assistance Program – Expansion of Eligibility for Low and Moderate~~  
3 ~~Income Pregnant Women and Children~~

4 **Health Care Services - Thriving by Three Program**

5 FOR the purpose of ~~requiring the Department of Health and Mental Hygiene to provide~~  
6 ~~certain health care benefits to certain individuals under certain circumstances; and~~  
7 ~~generally relating to eligibility under the Maryland Medical Assistance Program~~  
8 ~~establishing a Thriving by Three Program; requiring the Department to contract~~  
9 ~~with certain insurance carriers to provide services under the Program; requiring the~~  
10 ~~Program to provide certain benefits; establishing certain criteria for eligibility for~~  
11 ~~the Program; requiring certain individuals to pay certain premiums and provide~~  
12 ~~copies of certain tax returns under certain circumstances; requiring the Department~~  
13 ~~to conduct a certain study and submit a certain report; requiring the Department to~~  
14 ~~apply for certain federal funds; and generally relating to the Thriving by Three~~  
15 ~~Program.~~

16 BY renumbering

17 Article - Health - General

18 Section 15-103.1

19 to be Section 15-103.2

20 Annotated Code of Maryland

21 (1994 Replacement Volume and 1996 Supplement)

22 BY repealing and reenacting, ~~with~~ without amendments,

23 Article - Health - General

24 Section 15-103(a)

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1 Annotated Code of Maryland  
2 (1994 Replacement Volume and 1996 Supplement)

3 BY adding to

4 Article - Health - General  
5 Section 15-103.1  
6 Annotated Code of Maryland  
7 (1994 Replacement Volume and 1996 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That Section(s) 15-103.1 of Article - Health - General of the Annotated  
10 Code of Maryland be renumbered to be Section(s) 15-103.2.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
12 read as follows:

13 **Article - Health - General**

14 15-103.

15 (a) (1) The Secretary shall administer the Maryland Medical Assistance  
16 Program.

17 (2) The Program:

18 (i) Subject to the limitations of the State budget, shall provide  
19 comprehensive medical and other health care services for indigent individuals or  
20 medically indigent individuals or both;

21 (ii) Shall provide, subject to the limitations of the State budget,  
22 comprehensive medical and other health care services for all eligible pregnant women  
23 and, at a minimum, all children currently under the age of 1 whose family income falls  
24 below 185 percent of the poverty level, as permitted by the federal law;

25 (iii) Shall provide, subject to the limitations of the State budget, family  
26 planning services to women currently eligible for comprehensive medical care and other  
27 health care under item (ii) of this paragraph for 5 years after the second month following  
28 the month in which the woman delivers her child;

29 (iv) Shall provide, subject to the limitations of the State budget,  
30 comprehensive medical and other health care services for all children from the age of 1  
31 year up through and including the age of 5 years whose family income falls below 133  
32 percent of the poverty level, as permitted by the federal law;

33 (v) Shall provide, subject to the limitations of the State budget,  
34 comprehensive medical care and other health care services for all children born after  
35 September 30, 1983 who are at least 6 years of age but are under 19 years of age whose  
36 family income falls below 100 percent of the poverty level, as permitted by federal law;

37 (vi) May include bedside nursing care for eligible Program recipients;  
38 {and}

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1 (vii) Shall provide services in accordance with funding restrictions  
2 included in the annual State budget bill;

3 ~~(VIII) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE~~  
4 ~~STATE BUDGET, MEDICAL AND OTHER HEALTH CARE FOR CHILDREN FROM BIRTH~~  
5 ~~THROUGH AND INCLUDING THE AGE OF 3 YEARS AND PREGNANT WOMEN WHOSE~~  
6 ~~FAMILY INCOME FALLS BELOW 250% OF THE POVERTY LEVEL; AND~~

7 ~~(IX) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE STATE~~  
8 ~~BUDGET, MEDICAL AND OTHER HEALTH CARE FOR CHILDREN FROM THE AGE OF 4~~  
9 ~~YEARS UP THROUGH AND INCLUDING THE AGE OF 18 YEARS WHOSE FAMILY~~  
10 ~~INCOME FALLS BELOW 185% OF THE POVERTY LEVEL.~~

11 (3) Subject to restrictions in federal law or waivers, the Department may  
12 impose cost-sharing on Program recipients.

13 15-103.1.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
15 INDICATED.

16 (2) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS ELIGIBLE  
17 TO RECEIVE BENEFITS UNDER THE PROGRAM IN ACCORDANCE WITH SUBSECTION  
18 (C) OF THIS SECTION.

19 (3) "PROGRAM" MEANS THE THRIVING BY THREE PROGRAM.

20 (B) THERE IS A THRIVING BY THREE PROGRAM IN THE DEPARTMENT.

21 (C) AN INDIVIDUAL MAY RECEIVE BENEFITS UNDER THE PROGRAM IF THE  
22 INDIVIDUAL:

23 (1) HAS A FAMILY INCOME AT OR BELOW 200% OF THE FEDERAL  
24 POVERTY LEVEL;

25 (2) DOES NOT HAVE ACCESS TO EMPLOYER-BASED PRIVATE HEALTH  
26 INSURANCE COVERAGE AND HAS NOT VOLUNTARILY TERMINATED PRIVATE  
27 HEALTH INSURANCE COVERAGE WITHIN THE PRECEDING 6 MONTHS; AND

28 (3) (I) IS A WOMAN WHO IS PREGNANT OR UP TO 2 MONTHS  
29 POSTPARTUM; OR

30 (II) IS A CHILD WHO IS YOUNGER THAN 4 YEARS OLD.

31 (D) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE PROGRAM  
32 SHALL PROVIDE A LIMITED BENEFITS PACKAGE THAT CONSISTS OF:

33 (1) FOR EACH ELIGIBLE INDIVIDUAL WHO IS A PREGNANT OR  
34 POSTPARTUM WOMAN:

35 (I) PRENATAL SERVICES AND EDUCATION;

36 (II) DELIVERY FEES;

37 (III) PRESCRIPTION DRUGS;

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1                   (IV) LABORATORY AND X-RAY SERVICES;

2                   (V) FAMILY PLANNING SERVICES; AND

3                   (VI) MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES; AND

4                   (2) FOR EACH ELIGIBLE INDIVIDUAL WHO IS A CHILD YOUNGER THAN 4  
5 YEARS OLD;

6                   (I) BASIC PHYSICIAN CHECKUPS, HEALTH SCREENINGS, AND  
7 IMMUNIZATIONS;

8                   (II) LABORATORY TESTS AND X RAYS;

9                   (III) PRESCRIPTION DRUGS;

10                  (IV) VISION, HEARING, AND DENTAL CARE; AND

11                  (V) NUTRITION COUNSELING.

12                  (E) (1) THE DEPARTMENT SHALL, IN ACCORDANCE WITH THE PROVISIONS  
13 OF DIVISION II OF THE STATE FINANCE AND PROCUREMENT ARTICLE, CONTRACT  
14 WITH MANAGED CARE ORGANIZATIONS, HEALTH MAINTENANCE ORGANIZATIONS,  
15 INSURERS, OR OTHER CARRIERS TO PROVIDE SERVICES UNDER THE PROGRAM.

16                  (2) THE DEPARTMENT AND THE MANAGED CARE ORGANIZATIONS,  
17 HEALTH MAINTENANCE ORGANIZATIONS, INSURERS, OR OTHER CARRIERS WHO  
18 CONTRACT TO PROVIDE SERVICES UNDER THE PROGRAM SHALL PUBLICIZE THE  
19 PROGRAM AND MAKE OTHER OUTREACH EFFORTS THROUGHOUT THE STATE.

20                  (F) (1) EACH ELIGIBLE INDIVIDUAL SHALL PAY AN ANNUAL PREMIUM IN  
21 ACCORDANCE WITH A SLIDING PREMIUM SCALE ESTABLISHED BY THE  
22 DEPARTMENT.

23                  (2) THE ANNUAL PREMIUM SHALL VARY DEPENDING ON THE ELIGIBLE  
24 INDIVIDUAL'S FAMILY INCOME, BUT MAY NOT BE LESS THAN:

25                   (I) \$50 FOR AN ELIGIBLE INDIVIDUAL WHO IS A CHILD YOUNGER  
26 THAN 4 YEARS OLD; AND

27                   (II) \$100 FOR AN ELIGIBLE INDIVIDUAL WHO IS A PREGNANT OR  
28 POSTPARTUM WOMAN.

29                  (3) THE ANNUAL PREMIUM MAY BE PAID ON A QUARTERLY BASIS.

30                  (G) EACH INDIVIDUAL WHO APPLIES TO RECEIVE BENEFITS UNDER THE  
31 PROGRAM SHALL SUBMIT TO THE DEPARTMENT A COPY OF THE MOST RECENT TAX  
32 RETURN OF THE INDIVIDUAL AND THE INDIVIDUAL'S FAMILY MEMBERS.

33                  (H) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THE  
34 PROVISIONS OF THIS SECTION.

35                  SECTION 3. AND BE IT FURTHER ENACTED, That the Department of Health  
36 and Mental Hygiene shall study and report to the Senate Finance Committee, the House

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1 Environmental Matters Committee, and, in accordance with § 2-1312 of the State  
2 Government Article, the General Assembly on or before July 1, 1998 on:

3                   (1) The feasibility of paying managed care organizations, health  
4 maintenance organizations, insurers, and other carriers that participate in the Thriving by  
5 Three Program on a capitated basis; and

6                   (2) The cost of providing services under the Program, the sliding premium  
7 scale established by the Department, and the amount of money eligible individuals pay in  
8 annual premiums.

9                   SECTION 4. AND BE IT FURTHER ENACTED, That the Department shall  
10 apply to the federal Health Care Financing Administration and take all other steps  
11 necessary to secure federal funds for the Thriving by Three Program.

12                   SECTION 2- 5. AND BE IT FURTHER ENACTED, That this Act shall take  
13 effect July 1, 1997.