

HOUSE BILL 99

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1998 Regular Session  
8r1059

(PRE-FILED)

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By: **Delegates Hurson, Taylor, Dewberry, Rawlings, Curran, Busch, Guns, Vallario, Hixson, Harrison, Menes, Kopp, Arnick, Owings, Barve, Benson, E. Burns, Cadden, Clagett, Conroy, C. Davis, Dembrow, Doory, Dypski, Finifter, Franchot, Frank, Fulton, Goldwater, Hecht, Heller, Howard, Jones, Krysiak, Love, Mandel, Marriott, V. Mitchell, Morhaim, Nathan-Pulliam, Patterson, Perry, Petzold, Pitkin, Preis, Proctor, Shriver, Slade, Turner, Weir, Wood, ~~and Workman~~ Workman, DeCarlo, Donoghue, McHale, Miller, Valderrama, and Hubbard**

Requested: November 15, 1997  
Introduced and read first time: January 14, 1998  
Assigned to: Environmental Matters

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 24, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Home- and Community-Based Services for Autistic Children and**  
3 **Chronically Mentally Ill Individuals - Medicaid Waiver**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to apply  
5 to the federal Health Care Financing Administration for a certain home- and  
6 community-based services waiver to provide certain services to certain autistic  
7 children and chronically mentally ill individuals; requiring certain action to be  
8 taken by the Maryland State Department of Education, local school systems,  
9 and local lead agencies; requiring the Department to report to the General  
10 Assembly concerning the status of a certain application at certain time  
11 intervals; and generally relating to the provision of certain services to certain  
12 autistic children and chronically mentally ill individuals.

13 BY repealing and reenacting, without amendments,  
14 Article - Health - General  
15 Section 1-101(a) and (c)  
16 Annotated Code of Maryland  
17 (1994 Replacement Volume and 1997 Supplement)

18 BY adding to

1 Article - Health - General  
2 Section 15-130  
3 Annotated Code of Maryland  
4 (1994 Replacement Volume and 1997 Supplement)

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

7 **Article - Health - General**

8 1-101.

9 (a) In this article the following words have the meanings indicated.

10 (c) "Department" means the Department of Health and Mental Hygiene.

11 15-130.

12 (A) THE DEPARTMENT SHALL APPLY TO THE HEALTH CARE FINANCING  
13 ADMINISTRATION OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN  
14 SERVICES FOR A HOME- AND COMMUNITY-BASED SERVICES WAIVER UNDER §  
15 1915(C) OF THE FEDERAL SOCIAL SECURITY ACT IN ORDER TO RECEIVE FEDERAL  
16 MATCHING FUNDS FOR THE PROVISION OF THE FOLLOWING SERVICES TO  
17 CHRONICALLY MENTALLY ILL INDIVIDUALS AGED 5 THROUGH 20 YEARS AND  
18 AUTISTIC CHILDREN WHO WOULD OTHERWISE REQUIRE INSTITUTIONALIZATION IN  
19 A RESIDENTIAL TREATMENT FACILITY:

20 (1) RESPITE SERVICES;

21 (2) FAMILY TRAINING AND EDUCATION;

22 (3) DAY TREATMENT SERVICES;

23 (4) THERAPEUTIC INTEGRATION SERVICES;

24 (5) INTENSIVE INDIVIDUAL SUPPORT SERVICES;

25 (6) THERAPEUTIC LIVING SERVICES; ~~AND~~

26 (7) INTENSIVE IN-HOME INTERVENTION SERVICES; AND

27 (8) SPECIALIZED CASE MANAGEMENT SERVICES.

28 (B) THE STATE MATCHING FUNDS REQUIRED TO COVER THE MEDICAID COSTS  
29 UNDER THE WAIVER FOR INDIVIDUALS WITH AUTISM SHALL BE CERTIFIED OR  
30 OTHERWISE PROVIDED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION,  
31 LOCAL SCHOOL SYSTEMS, AND LOCAL LEAD AGENCIES.

32 (C) THE STATE MATCHING FUNDS REQUIRED TO COVER THE MEDICAID COSTS  
33 UNDER THE WAIVER FOR CHRONICALLY MENTALLY ILL INDIVIDUALS SHALL BE

1 CERTIFIED OR OTHERWISE PROVIDED BY THE MARYLAND STATE DEPARTMENT OF  
2 EDUCATION, LOCAL SCHOOL SYSTEMS, LOCAL LEAD AGENCIES, AND BY THE MENTAL  
3 HYGIENE ADMINISTRATION.

4 ~~(B)~~ (D) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE  
5 DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY EVERY 6 MONTHS  
6 CONCERNING THE STATUS OF THE DEPARTMENT'S APPLICATION UNDER  
7 SUBSECTION (A) OF THIS SECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 1998.