

HOUSE BILL 480

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1998 Regular Session
8lr6126

By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 4, 1998

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health - Assistance Programs - AIDS Insurance Assistance Program**

3 FOR the purpose of extending the termination date of the AIDS Insurance Assistance
4 Program; altering the number of recipients that may be enrolled in the Program
5 at any one time; providing that the Program may pay premiums only for certain
6 Medicare supplemental coverage for certain individuals under certain
7 circumstances; and generally relating to the AIDS Insurance Assistance
8 Program.

9 BY repealing and reenacting, without amendments,
10 Article - Health - General
11 Section 15-201, 15-204, and 15-205
12 Annotated Code of Maryland
13 (1994 Replacement Volume and 1997 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 15-202 and 15-203
17 Annotated Code of Maryland
18 (1994 Replacement Volume and 1997 Supplement)

19 BY repealing and reenacting, with amendments,
20 Chapter 188 of the Acts of the General Assembly of 1990, as amended by
21 Chapter 44 of the Acts of the General Assembly of 1992 and Chapter 147 of the
22 Acts of the General Assembly of 1994
23 Section 2

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

1 **Article - Health - General**

2 15-201.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) "Applicant" means an individual who applies for assistance from the
5 Program.6 (c) (1) Except as provided in paragraph (2) of this subsection, "family"
7 means:

8 (i) The applicant or recipient;

9 (ii) The applicant's or recipient's spouse if the spouse lives with the
10 applicant or recipient; and11 (iii) The applicant's or recipient's children under the age of 18 years
12 if the children live with the applicant or recipient.

13 (2) If the applicant is a child under the age of 18 years, "family" means:

14 (i) The minor applicant's or recipient's parents; and

15 (ii) At the option of the minor applicant's or recipient's parents, the
16 minor applicant's or recipient's siblings.

17 (d) "Program" means the Maryland AIDS Insurance Assistance Program.

18 (e) "Recipient" means an individual receiving assistance from the Program.

19 15-202.

20 (a) The Department of Health and Mental Hygiene shall administer a
21 Maryland AIDS Insurance Assistance Program for HIV positive individuals.22 (b) There shall be no more than [300] 450 recipients enrolled in the Program
23 at any 1 time.24 (c) Except as provided in subsection (d) of this section, an individual is eligible
25 for the Program if:26 (1) Cash assets owned by the individual's family, including savings
27 accounts, checking accounts, and stocks and bonds, do not exceed \$10,000;28 (2) The individual's family income, earned and unearned, does not
29 exceed 300 percent of the federal poverty level;30 (3) (i) The individual is eligible for and has applied for continuation of
31 benefits under one of the following authorities:

1 1. The Consolidated Omnibus Budget Reconciliation Act of
2 1985, P.L. 99-272, and any subsequent modifications to that Act;

3 2. The Federal Employees Health Benefits Amendment Act
4 of 1988, P.L. 100-654, and any subsequent modifications to that Act; or

5 3. The Insurance Article; or

6 (ii) The individual is receiving health benefits:

7 1. Under a policy issued by an authorized insurer or
8 nonprofit health service plan;

9 2. As an enrollee of an authorized health maintenance
10 organization; or

11 3. From an employer under a health benefits plan that meets
12 the conditions of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §
13 1001 et seq., and any subsequent modifications to that Act;

14 (4) The individual is not eligible for health insurance through another
15 family member;

16 (5) A physician certifies that the individual is:

17 (i) HIV positive; and

18 (ii) Due to this illness, the individual is either too ill to continue
19 working in the individual's current position, or there is a substantial likelihood that
20 within 3 months the individual will be unable to work;

21 (6) The individual is a resident of the State; and

22 (7) The Department determines that it is cost effective to enroll the
23 individual in the Program.

24 (d) Notwithstanding the provisions of subsection (c)(1) and (2) of this section,
25 an individual is eligible for the Program if:

26 (1) Cash assets owned by the individual's family, including savings
27 accounts, checking accounts, stocks, and bonds, that exceed \$10,000 are paid to the
28 Department to be used for the payment of health insurance on behalf of the
29 individual;

30 (2) The individual's family income, earned and unearned, that exceeds
31 300 percent of the federal poverty level is paid to the Department to be used for the
32 payment of health insurance on behalf of the individual; and

33 (3) The individual meets the eligibility requirements of subsection (c)(3),
34 (4), (5), (6), and (7) of this section.

1 15-203.

2 (a) The Department shall adopt regulations for the payment of health
3 insurance premiums to insurance carriers or employers under the Program.

4 (b) The Program shall comply with the applicable provisions of all federal and
5 State laws that relate to the continuation of health benefits.

6 (C) IF A RECIPIENT IS A MEDICARE BENEFICIARY, THE PROGRAM MAY PAY
7 PREMIUMS ONLY FOR SUPPLEMENTAL MEDICARE COVERAGE UNLESS THE
8 DEPARTMENT FINDS THAT IT IS MORE COST-EFFECTIVE FOR THE PROGRAM TO PAY
9 PREMIUMS FOR OTHER HEALTH INSURANCE COVERAGE AVAILABLE TO THE
10 RECIPIENT.

11 15-204.

12 The Department shall adopt regulations that authorize the denial, restriction,
13 or termination of benefits for recipients who commit acts of abuse or fraud against the
14 Program.

15 15-205.

16 (a) The Department shall, subject to § 2-1246 of the State Government
17 Article, provide the Governor and the General Assembly with an annual report
18 summarizing the Program expenditures, numbers of recipients, Program
19 effectiveness, the estimated savings to the Medical Assistance Program, additional
20 costs incurred by private insurance companies, and the loss of federal funding.

21 (b) The Department may periodically survey recipients to gather information
22 for the annual report.

23 **Chapter 188 of the Acts of 1990, as amended by Chapter 44 of the Acts of 1992,**
24 **and Chapter 147 of the Acts of 1994**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 July 1, 1990. It shall remain effective for a period of [6] 12 years and, at the end of
27 June 30, [1998] 2002, with no further action required by the General Assembly, this
28 Act shall be abrogated and of no further force and effect.

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