
By: **Senator Madden**
Introduced and read first time: March 1, 1999
Assigned to: Rules
Re-referred to: Finance, March 3, 1999

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 29, 1999

CHAPTER _____

1 AN ACT concerning

2 **Maryland Medical Assistance Program - ~~Children with Special Needs -~~**
3 **Enrollment Enrollees Under Age 21 - Therapy Services**

4 FOR the purpose of requiring the Secretary of the Department of Health and Mental
5 Hygiene to ~~permit a child with special health care needs to enroll either in a~~
6 ~~managed care organization or in the Rare and Expensive Case Management~~
7 ~~Program;~~ establish and implement a procedure for a managed care organization
8 enrollee under age 21 to obtain therapy services under the Maryland Medical
9 Assistance Program; authorizing an enrollee under age 21 to receive certain
10 therapy services under certain circumstances; requiring the Secretary to
11 exclude therapy services from the services that a managed care organization is
12 required to provide to enrollees under age 21 and pay a provider on a
13 fee-for-service basis for therapy services to enrollees under age 21; requiring
14 the Department to conduct or arrange to conduct a certain study and submit
15 certain reports; authorizing a certain grant; defining a certain term; and
16 generally relating to therapy services for enrollees under age 21 in the Maryland
17 Medical Assistance Program.

18 BY adding to
19 Article - Health - General
20 Section ~~15-101(a-1)~~ 15-103.3
21 Annotated Code of Maryland
22 (1994 Replacement Volume and 1998 Supplement)

23 ~~BY repealing and reenacting, with amendments,~~
24 ~~Article - Health - General~~

1 Section 15-101(a-1) and (a-2) and 15-103(b)(4)
 2 Annotated Code of Maryland
 3 (1994 Replacement Volume and 1998 Supplement)

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

6 **Article - Health - General**

7 ~~15-101.~~

8 ~~(A-1) "CHILD WITH SPECIAL HEALTH CARE NEEDS" MEANS AN INDIVIDUAL~~
 9 ~~YOUNGER THAN 21 YEARS, REGARDLESS OF MARITAL STATUS, SUFFERING FROM A~~
 10 ~~MODERATE TO SEVERE CHRONIC HEALTH CONDITION.~~

11 ~~[(a-1)] (A-2) "Dental managed care organization" means a pre-paid dental~~
 12 ~~plan that receives fees to manage dental services.~~

13 ~~[(a-2)] (A-3) "Dental services" means diagnostic, emergency, preventive, and~~
 14 ~~therapeutic services for oral diseases.~~

15 ~~15-103.~~

16 ~~(b) (4) (i) The Secretary may exclude specific populations or services from~~
 17 ~~the program developed under paragraph (1) of this subsection.~~

18 ~~(ii) For any populations or services excluded under this paragraph,~~
 19 ~~the Secretary may authorize a managed care organization, to provide the services or~~
 20 ~~provide for the population, including authorization of a separate dental managed care~~
 21 ~~organization or a managed care organization to provide services to Program~~
 22 ~~recipients with special needs.~~

23 ~~(iii) NOTWITHSTANDING SUBPARAGRAPHS (i) AND (ii) OF THIS~~
 24 ~~PARAGRAPH, THE SECRETARY SHALL PERMIT A CHILD WITH SPECIAL HEALTH CARE~~
 25 ~~NEEDS TO ENROLL EITHER IN A MANAGED CARE ORGANIZATION OR IN THE RARE~~
 26 ~~AND EXPENSIVE CASE MANAGEMENT PROGRAM ESTABLISHED BY REGULATION.~~

27 15-103.3.

28 (A) IN THIS SECTION, "THERAPY SERVICES" MEANS FREESTANDING AND
 29 OUTPATIENT PHYSICAL THERAPY, OCCUPATIONAL THERAPY, SPEECH THERAPY, AND
 30 AUDIOLOGY SERVICES.

31 (B) THE SECRETARY SHALL ESTABLISH AND IMPLEMENT A PROCEDURE FOR
 32 A MANAGED CARE ORGANIZATION ENROLLEE UNDER AGE 21 TO OBTAIN THERAPY
 33 SERVICES UNDER THE PROGRAM.

34 (C) AN ENROLLEE UNDER AGE 21 MAY RECEIVE THERAPY SERVICES IF:

1 (1) THE THERAPY SERVICES ARE PROVIDED IN ACCORDANCE WITH A
2 WRITTEN TREATMENT PLAN DEVELOPED BY THE PROVIDER OF THERAPY SERVICES
3 AND THE ENROLLEE OR THE PARENT OR GUARDIAN OF THE ENROLLEE; AND

4 (2) THE PROVIDER OF THERAPY SERVICES COMMUNICATES REGULARLY
5 WITH THE PRIMARY CARE PROVIDER REGARDING THE TREATMENT AND HEALTH
6 STATUS OF THE ENROLLEE.

7 (D) THE SECRETARY SHALL:

8 (1) EXCLUDE THERAPY SERVICES FROM THE SERVICES THAT A
9 MANAGED CARE ORGANIZATION IS REQUIRED TO PROVIDE TO ENROLLEES UNDER
10 AGE 21; AND

11 (2) PAY A PROVIDER ON A FEE-FOR-SERVICE BASIS FOR THERAPY
12 SERVICES TO ENROLLEES UNDER AGE 21.

13 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
14 Health and Mental Hygiene shall:

15 (a) Conduct or arrange to conduct a study to determine whether Medicaid
16 managed care organizations are ensuring that an enrollee under age 21 receives:

17 (1) an early and periodic screening, diagnosis, and treatment screen in
18 accordance with Medical Assistance Program requirements; and

19 (2) when diagnosed with a special health care need, an assessment, a
20 treatment plan, and appropriate follow-up care; and

21 (b) Present a preliminary report on or before December 1, 1999 and a final
22 report on or before December 1, 2000 with the results of the study, together with any
23 recommendations, to the Governor and, subject to § 2-1246 of the State Government
24 Article, to the General Assembly.

25 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of
26 Health and Mental Hygiene shall study the extent to which risk-based capitation
27 payments to primary care providers are used by managed care organizations, both in
28 the Maryland HealthChoice Program and in managed care arrangements across the
29 country, and shall assess the feasibility and desirability of promoting risk-based
30 capitation payments to primary care providers in the HealthChoice Program. The
31 Department shall report the results of its study to the Governor and, subject to §
32 2-1246 of the State Government Article, to the General Assembly on or before
33 December 1, 1999.

34 SECTION 4. AND BE IT FURTHER ENACTED, That the Department of
35 Health and Mental Hygiene may grant up to \$50,000 in Medical Assistance Program
36 funds for outreach services to children with special needs.

37 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 2, 3, and 4 of
38 this Act shall take effect July 1, 1999.

1 SECTION ~~2. 6.~~ AND BE IT FURTHER ENACTED, ~~That~~ That, subject to
2 Section 5 of this Act, this Act shall take effect October 1, 1999.