

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 702
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Dypski” and substitute “Dypski, Marriott, Frush, Cane, and Baldwin”.

On page 1, in line 6, strike “requiring the Department to establish a certain committee;”; in line 15, strike “under a certain age” and substitute “between certain ages”.

On pages 2 and 3, strike in their entirety the lines beginning with line 6 on page 2 through line 13 on page 3, inclusive.

AMENDMENT NO. 2

On page 4, in line 10, after “CUING” insert “, PROMPTING, OR REMINDING THE CONSUMER ABOUT AN ACTIVITY”; in line 22, strike “(1)”; in the same line, after “A” insert “COGNITIVE, SENSORY, OR PHYSICAL”; in line 24, strike “(I)” and substitute “(1)”; in the same line, strike “UNDER THE AGE OF 60” and substitute “BETWEEN THE AGES OF 21 AND 59”; in the same line, strike “AND”; and strike beginning with “(II)” in line 25 down through “MOBILITY” in line 28 and substitute “(2) REQUIRES THE LEVEL OF CARE PROVIDED IN A NURSING FACILITY; AND

(3) QUALIFIES FOR THE MEDICAID WAIVER FOR ADULTS WITH PHYSICAL DISABILITIES”.

On pages 4 through 5, strike in their entirety the lines beginning with line 29 on page 4 through line 2 on page 5, inclusive.

On page 5, after line 5, insert:

(Over)

“(I) “INSTITUTION” MEANS AN ESTABLISHMENT THAT, IN SINGLE OR MULTIPLE FACILITIES, FURNISHES FOOD, SHELTER, AND SOME TREATMENT SERVICES TO FOUR OR MORE PERSONS UNRELATED TO THE PROPRIETOR.”; in lines 6, 10, 14, 16, and 18, respectively, strike “(I)”, “(J)”, “(K)”, “(L)”, and “(M)”, respectively, and substitute “(J)”, “(K)”, “(L)”, “(M)”, and “(N)”, respectively; in line 7, after “ADMINISTRATION” insert a period; strike beginning with “AS” in line 7 through “HOMES.” in line 9; in line 10, strike “(1)”; in line 11, strike the period and substitute “AND MAY INCLUDE USE OF A FISCAL AGENT TO ASSIST IN OBTAINING SERVICES.”; strike in their entirety lines 12 and 13; strike beginning with “THE” in line 16 through “PROGRAM” in line 17 and substitute “THE COMMUNITY AND ATTENDANT SERVICES AND SUPPORT PROGRAM.”.

AMENDMENT NO. 3

On page 5, in line 21, after “(A)” insert “SUBJECT TO FUNDING IN THE STATE BUDGET.”; and in the same line, after “DEPARTMENT” insert “, IN COLLABORATION WITH THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.”; in the same line, strike “DEVELOP AND”; in line 23, strike “PROVIDE” and substitute “PROVIDES”; strike beginning with “RESIDING” in line 24 down through “SETTING” in line 26 and substitute “WHO WILL BE DISCHARGED OR DIVERTED FROM A NURSING FACILITY”; in line 27, after “SUPPORTS” insert “THROUGH A MEDICAID HOME AND COMMUNITY SERVICES BASED WAIVER”; in line 28, after “DEPARTMENT” insert “OF HEALTH AND MENTAL HYGIENE”; in line 29, after “SUBTITLE” insert “WITH SIGNIFICANT CONSUMER PARTICIPATION AND INVOLVEMENT”; in line 30, after “SHALL” insert “SEEK INPUT FROM ELIGIBLE INDIVIDUALS, THE INDIVIDUALS’ REPRESENTATIVES, AND SERVICE PROVIDERS RELATING TO THE PROGRAM.”; and strike beginning with “ESTABLISH” in line 30 down through “PROGRAM.” in line 36.

On page 5, in line 38, after “SHALL” insert “AMEND THE EXISTING WAIVER FOR ADULTS WITH PHYSICAL DISABILITIES TO INCLUDE INDIVIDUALS WITH INCOMES AT OR BELOW 300% OF SUPPLEMENTAL SECURITY INCOME.”.

On pages 5 through 6, strike beginning with “DETERMINE” in line 38 on page 5 down through the period in line 8 on page 6.

AMENDMENT NO. 4

On page 6, in line 19, strike “LARGE CONGREGATE SETTING” and substitute “INSTITUTION”; in line 25, after “IN” insert “OR TRANSITION TO”; in line 27, strike

“CAPABLE OF PROVIDING PERSONAL ASSISTANCE” and substitute “AVAILABLE”; in line 34, strike “VOUCHERS,”; and in line 35, strike the comma.

On page 7, after line 2 insert:

“2. BASED ON CONSUMER RECOMMENDATIONS, THE DEPARTMENT MAY WAIVE CERTAIN QUALIFICATIONS REQUIRED IN THE REGULATIONS FOR PERSONAL ASSISTANTS IF THE PERSONAL ASSISTANT IS A FAMILY MEMBER OR IS AN INDIVIDUAL KNOWN AND CHOSEN BY THE CONSUMER.”; in line 3, strike “2.” and substitute “3. EXCEPT AS PROVIDED IN ITEM 4 OF THIS PARAGRAPH.”; after line 4 insert:

“4. THE CONSUMER’S SPOUSE SHALL BE BARRED FROM RECEIVING MEDICAL ASSISTANCE PAYMENTS FOR PROVIDING SERVICES.” ; in line 5, after “FOLLOWING” insert a colon; strike line 6 in its entirety; in line 7, after “(1)” insert “TRAINING ON”; in line 9, after “(2)” insert “TRAINING ON”; in the same line, strike “ASSISTANCE WITH THE EXPENSE OF MANAGING” and substitute “MANAGEMENT OF”; in line 12, strike “AND ACCORDED”; in line 13, strike “AND OPTIONS”; strike beginning with “COMMUNITY” in line 16 down through “SUPPORTS” in line 17 and substitute “PROGRAM”; strike beginning with “UNDER” in line 17 down through “HOME” in line 19 and substitute “BETWEEN THE AGES OF 21 AND 59 YEARS WHO WILL BE DISCHARGED OR DIVERTED FROM A NURSING FACILITY”; in line 21, strike the comma and substitute a period; strike line 22 in its entirety; and strike beginning with “ADMINISTRATION” in line 23 down through “SUPPORTS” in line 24 and substitute “PROGRAM”.

AMENDMENT NO. 5

On page 7, strike beginning with “COMMUNITY” in line 28 down through “ASSESSMENT.” in line 29 and substitute “THE PROGRAM.”

On page 8, in line 21, after “SUPPORTS;” insert “AND”; strike beginning with “(10)” in line 22 down through “(12)” in line 25 and substitute “(10)”.

AMENDMENT NO. 6

(Over)

On page 8, in line 27, after “DEPARTMENT” insert “AND THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE”; in the same line, after “SHALL” insert “ADOPT A QUALITY ASSURANCE SYSTEM FOR THE PROGRAM THAT IS CONSISTENT WITH FEDERAL REQUIREMENTS REGARDING QUALITY OF WAIVER SERVICES.”; in the same line, strike the colon; and strike beginning with “MODIFY” in line 28 down through the semicolon in line 34.

On page 9, strike in their entirety lines 1 through 13, inclusive; in line 14, strike “(C)” and substitute “(B)”; in line 21, after “SUBTITLE” insert “, INCLUDING THE NUMBER OF INDIVIDUALS BUDGETED FOR THE MEDICAID HOME- AND COMMUNITY- SERVICES BASED WAIVER. THE FIRST REPORT SHALL BE SUBMITTED ON OCTOBER 1, 2001.”; in line 22, strike “SEPTEMBER 1, 2001” and substitute “OCTOBER 1, 2001”.

AMENDMENT NO. 7

On pages 9 and 10, strike in their entirety the lines beginning with line 25 on page 9 through line 2 on page 10, inclusive.

AMENDMENT NO. 8

On page 10, in line 3, strike “(C) (1)” and substitute “(A)”; in line 5, strike “AN OLMSTEAD OR MICASSA GRANT” and substitute “REAL CHOICE SYSTEM CHANGE GRANTS; NURSING FACILITY TRANSITION GRANTS AND ‘ACCESS HOUSING’; AND COMMUNITY-BASED ATTENDANT SERVICES WITH CONSUMER CONTROL GRANTS”; strike lines 8 through 28 in their entirety; in lines 29 and 37, strike “(F)” and “(G)”, respectively, and substitute “(B)” and “(C)”, respectively; in line 29, after “(1)” insert “THE DEPARTMENT SHALL SEEK INPUT FROM ELIGIBLE INDIVIDUALS, THE INDIVIDUALS’ REPRESENTATIVES, AND SERVICE PROVIDERS IN DEVELOPING AND IMPLEMENTING THE PROGRAM”; strike beginning with “A” in line 29 down through “PROVIDERS” in line 36; and in line 38, strike “FINANCE” and substitute “FINANCING”.

On page 11, strike beginning with the second “AND” in line 2 down through “WAIVER” in line 3 and substitute “FOR ADULTS WITH PHYSICAL DISABILITIES”; in line 6, strike “(H)” and substitute “(D)”; and in line 9, strike “(B)” and substitute “(A)”; in the same line, after “SECTION” insert “, INCLUDING THE NUMBER OF INDIVIDUALS BUDGETED FOR THE MEDICAID HOME- AND COMMUNITY- SERVICES BASED WAIVER FOR ADULTS WITH PHYSICAL”.

DISABILITIES”; and after line 9, insert:

“SECTION 2. It is the intent of the General Assembly, subject to funding in the State budget, that the Department of Health and Mental Hygiene and the Department of Human Resources shall expand the capacity of the Medicaid Home- and Community-Services Based Waiver for Adults with Physical Disabilities to include at least 350 individuals by the end of fiscal year 2002. The Department of Health and Mental Hygiene and the Department of Human Resources shall develop a plan for further expanding the capacity of the waiver according to the following schedule:

(1) to include a total capacity of at least 575 individuals by the end of fiscal year 2003;

(2) to include a total capacity of at least 1,425 individuals by the end of fiscal year 2004;

(3) to include a total capacity of at least 2,625 individuals by the end of fiscal year 2005;

and

(4) to include a total capacity of at least 4,625 individuals by the end of fiscal year 2006.”;

and in line 10, strike “2” and substitute “3”.