

HOUSE BILL 5

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2001 Regular Session
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(PRE-FILED)

By: **Delegates Hurson, Taylor, Dewberry, Arnick, Busch, Doory, Harrison,
Hixson, Howard, Kopp, Menes, Montague, Rawlings, Rosenberg,
Vallario, and Wood**

Requested: November 15, 2000

Introduced and read first time: January 10, 2001

Assigned to: Environmental Matters and Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Low-Income Working Parents Health Care Program**

3 FOR the purpose of expanding eligibility under the Maryland Medical Assistance
4 Program to parents at or below a certain income, subject to certain limitations;
5 further altering eligibility levels at a future date; creating the Low-Income
6 Working Parents Health Care Program; providing the benefits to be offered
7 under the Program, subject to certain limitations; establishing eligibility criteria
8 for the Program; requiring the Department to administer the Program, subject
9 to certain limitations; requiring the Secretary of Health and Mental Hygiene to
10 adopt certain regulations; requiring the Department to seek a certain waiver
11 from the Health Care Financing Administration; making the implementation of
12 the Program contingent on obtaining the waiver; requiring the Department to
13 seek approval from the Health Care Financing Administration for an
14 amendment to the State Medical Assistance Program to expand eligibility for
15 that Program; providing for certain contingent coverage under the Low-Income
16 Working Parents Health Care Program using enhanced federal matching funds;
17 providing a delayed effective date for a portion of this Act; and generally relating
18 to health benefits for low-income parents.

19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 15-103(a)
22 Annotated Code of Maryland
23 (2000 Replacement Volume)

24 BY adding to
25 Article - Health - General
26 Section 15-133
27 Annotated Code of Maryland
28 (2000 Replacement Volume)

1 BY repealing and reenacting, with amendments,
2 Article - Health - General
3 Section 15-103(a)
4 Annotated Code of Maryland
5 (2000 Replacement Volume)
6 (As enacted by Section 1 of this Act)

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

9 **Article - Health - General**

10 15-103.

11 (a) (1) The Secretary shall administer the Maryland Medical Assistance
12 Program.

13 (2) The Program:

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

17 (ii) Shall provide, subject to the limitations of the State budget,
18 comprehensive medical and other health care services for all eligible pregnant women
19 whose family income is at or below 200 percent of the poverty level, as permitted by
20 the federal law;

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

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

29 (v) 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
31 1 year up through and including the age of 5 years whose family income falls below
32 133 percent of the poverty level, as permitted by the federal law;

33 (vi) 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
36 whose family income falls below 100 percent of the poverty level, as permitted by
37 federal law;

1 (vii) Shall provide, subject to the limitations of the State budget,
2 comprehensive medical care and other health care services for all legal immigrants
3 who meet Program eligibility standards and who arrived in the United States before
4 August 22, 1996, the effective date of the federal Personal Responsibility and Work
5 Opportunity Reconciliation Act, as permitted by federal law;

6 (viii) Shall provide, subject to the limitations of the State budget and
7 any other requirements imposed by the State, comprehensive medical care and other
8 health care services for all legal immigrant children under the age of 18 years and
9 pregnant women who meet Program eligibility standards and who arrived in the
10 United States on or after August 22, 1996, the effective date of the federal Personal
11 Responsibility and Work Opportunity Reconciliation Act;

12 (ix) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE STATE
13 BUDGET, AND AS PERMITTED BY FEDERAL LAW OR WAIVER, COMPREHENSIVE
14 MEDICAL CARE AND OTHER HEALTH CARE SERVICES FOR ALL PARENTS:

15 1. WHO HAVE A DEPENDENT CHILD LIVING WITH THEM; AND
16 2. WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR BELOW 75
17 PERCENT OF THE FEDERAL POVERTY LEVEL.

18 (X) May include bedside nursing care for eligible Program
19 recipients; and

20 [(x)] (XI) Shall provide services in accordance with funding
21 restrictions included in the annual State budget bill.

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

24 15-133.

25 (A) (1) THERE IS A LOW-INCOME WORKING PARENTS HEALTH CARE
26 PROGRAM.

27 (2) THE SECRETARY SHALL ADMINISTER THE PROGRAM AS ALLOWED BY
28 FEDERAL LAW OR WAIVER.

29 (B) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND AS ALLOWED
30 BY FEDERAL LAW OR WAIVER, THE PROGRAM SHALL PROVIDE COMPREHENSIVE
31 MEDICAL CARE AND OTHER HEALTH CARE SERVICES FOR A PARENT:

32 (1) WHO HAS A DEPENDENT CHILD LIVING WITH THE PARENT WHO IS
33 ENROLLED IN EITHER THE MARYLAND CHILDREN'S HEALTH INSURANCE PROGRAM
34 OR THE MARYLAND MEDICAL ASSISTANCE PROGRAM; AND

35 (2) WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR BELOW 150 PERCENT
36 OF THE FEDERAL POVERTY LEVEL.

1 (C) TO THE EXTENT ALLOWED BY FEDERAL LAW OR WAIVER, THE SECRETARY
2 SHALL LIMIT ENROLLMENT IN THE PROGRAM TO PARENTS WHO LACK HEALTH
3 INSURANCE COVERAGE.

4 (D) THE PROGRAM SHALL BE FUNDED:

5 (1) AS PROVIDED IN THE STATE BUDGET; AND

6 (2) WITH ENHANCED FEDERAL MATCHING MONEY.

7 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE
8 PROGRAM.

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

11 **Article - Health - General**

12 15-103.

13 (a) (1) The Secretary shall administer the Maryland Medical Assistance
14 Program.

15 (2) The Program:

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

19 (ii) Shall provide, subject to the limitations of the State budget,
20 comprehensive medical and other health care services for all eligible pregnant women
21 whose family income is at or below 200 percent of the poverty level, as permitted by
22 the federal law;

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

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

31 (v) Shall provide, subject to the limitations of the State budget,
32 comprehensive medical and other health care services for all children from the age of
33 1 year up through and including the age of 5 years whose family income falls below
34 133 percent of the poverty level, as permitted by the federal law;

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

6 (vii) Shall provide, subject to the limitations of the State budget,
7 comprehensive medical care and other health care services for all legal immigrants
8 who meet Program eligibility standards and who arrived in the United States before
9 August 22, 1996, the effective date of the federal Personal Responsibility and Work
10 Opportunity Reconciliation Act, as permitted by federal law;

11 (viii) Shall provide, subject to the limitations of the State budget
12 and any other requirements imposed by the State, comprehensive medical care and
13 other health care services for all legal immigrant children under the age of 18 years
14 and pregnant women who meet Program eligibility standards and who arrived in the
15 United States on or after August 22, 1996, the effective date of the federal Personal
16 Responsibility and Work Opportunity Reconciliation Act;

17 (ix) Shall provide, subject to the limitations of the State budget, and
18 as permitted by federal law or waiver, comprehensive medical care and other health
19 care services for all parents:

20 1. Who have a dependent child living with them; and

21 2. Whose annual household income is at or below [75] 100
22 percent of the federal poverty level.

23 (x) May include bedside nursing care for eligible Program
24 recipients; and

25 (xi) Shall provide services in accordance with funding restrictions
26 included in the annual State budget bill.

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That:

30 (a) The Department of Health and Mental Hygiene shall seek approval from
31 the federal Health Care Financing Administration of a waiver under § 1115 of the
32 Social Security Act that would allow the State to use Title XXI (S-CHIP) funds to
33 implement the program established under § 15-133 of the Health - General Article by
34 this Act.

35 (b) If the Department is unable to obtain the waiver under subsection (a) of
36 this section, the Department may not implement the program established under §
37 15-133 of the Health - General Article by this Act.

38 SECTION 4. AND BE IT FURTHER ENACTED, That:

1 (a) The Department of Health and Mental Hygiene shall seek approval from
2 the federal Health Care Financing Administration of an amendment to the State
3 Medicaid plan that would allow the State to phase in a coverage expansion under the
4 Maryland Medical Assistance Program for all parents with whom a dependent child
5 resides and who have an annual household income at or below 100% of the federal
6 poverty level as follows:

7 (1) In fiscal year 2002, extend eligibility to each parent with an annual
8 household income at or below 75% of the federal poverty level; and

9 (2) In fiscal year 2003, extend eligibility to each parent with an annual
10 household income at or below 100% of the federal poverty level.

11 (b) If, at any time, the Department receives approval from the federal Health
12 Care Financing Administration of an § 1115 S-CHIP waiver that allows the State to
13 cover all or part of the population referenced in subsection (a) of this section using
14 Title XXI enhanced matching funds, the Department shall cover the population, to
15 the extent permitted, in the Low-Income Working Parents Health Care Program
16 established under § 15-133 of the Health - General Article by this Act.

17 SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
18 take effect July 1, 2002.

19 SECTION 6. AND BE IT FURTHER ENACTED, That Sections 3 and 4 of this
20 Act shall take effect June 1, 2001.

21 SECTION 7. AND BE IT FURTHER ENACTED, That, except as provided in
22 Sections 5 and 6 of this Act, this Act shall take effect July 1, 2001.