

SENATE BILL 145

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SB 288/00 - FIN

2001 Regular Session
11r0481

By: **Senators Hollinger, Frosh, Collins, Middleton, Teitelbaum, Hoffman,
Bromwell, Forehand, and Astle**

Introduced and read first time: January 18, 2001

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Medical Assistance Program - Eligibility of Noninstitutionalized Spouses -**
3 **Allowances**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to adopt
5 the maximum resource allowances and maximum monthly personal needs
6 allowances for certain spouses in determining eligibility for the Medical
7 Assistance Program; requiring the Secretary to phase in the maximum resource
8 allowances and maximum monthly personal needs allowances over a certain
9 period; and generally relating to the maximum resource allowances and
10 maximum monthly personal needs allowances for certain spouses in
11 determining eligibility for the Medical Assistance Program.

12 BY adding to
13 Article - Health - General
14 Section 15-133
15 Annotated Code of Maryland
16 (2000 Replacement Volume)

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

19 **Article - Health - General**

20 15-133.

21 (A) THE SECRETARY SHALL ADOPT REGULATIONS THAT INCORPORATE THE
22 MAXIMUM RESOURCE ALLOWANCES AND MAXIMUM MONTHLY PERSONAL NEEDS
23 ALLOWANCES FOR NONINSTITUTIONALIZED SPOUSES OF PERSONS WHO RESIDE IN
24 AN INPATIENT MEDICAL FACILITY OR SPOUSES PARTICIPATING IN THE MEDICAID
25 WAIVER PROGRAM IN DETERMINING ELIGIBILITY UNDER THE PROGRAM IN
26 ACCORDANCE WITH FEDERAL REGULATIONS ADOPTED IN ACCORDANCE WITH 42
27 U.S.C. § 1396.

1 (B) THE SECRETARY SHALL PHASE IN THE MAXIMUM SPOUSAL RESOURCE
2 ALLOWANCE PROVIDED FOR IN THIS SECTION ACCORDING TO THE FOLLOWING
3 SCHEDULE:

4 (1) 31.5% OF THE MAXIMUM PROTECTED SPOUSAL RESOURCE
5 ALLOWANCE FOR FISCAL YEAR 2002;

6 (2) 43% OF THE MAXIMUM PROTECTED SPOUSAL RESOURCE
7 ALLOWANCE FOR FISCAL YEAR 2003;

8 (3) 54.5% OF THE MAXIMUM PROTECTED SPOUSAL RESOURCE
9 ALLOWANCE FOR FISCAL YEAR 2004;

10 (4) 66% OF THE MAXIMUM PROTECTED SPOUSAL RESOURCE
11 ALLOWANCE FOR FISCAL YEAR 2005;

12 (5) 77.5% OF THE MAXIMUM PROTECTED SPOUSAL RESOURCE
13 ALLOWANCE FOR FISCAL YEAR 2006;

14 (6) 89% OF THE MAXIMUM PROTECTED SPOUSAL RESOURCE
15 ALLOWANCE FOR FISCAL YEAR 2007; AND

16 (7) 100% OF THE MAXIMUM PROTECTED SPOUSAL RESOURCE
17 ALLOWANCE FOR FISCAL YEAR 2008.

18 (C) THE SECRETARY SHALL PHASE IN THE MAXIMUM MONTHLY
19 MAINTENANCE PERSONAL NEEDS ALLOWANCE PROVIDED FOR IN THIS SECTION
20 ACCORDING TO THE FOLLOWING SCHEDULE:

21 (1) 70% OF THE MAXIMUM PROTECTED SPOUSAL INCOME ALLOWANCE
22 FOR FISCAL YEAR 2002;

23 (2) 75% OF THE MAXIMUM PROTECTED SPOUSAL INCOME ALLOWANCE
24 FOR FISCAL YEAR 2003;

25 (3) 80% OF THE MAXIMUM PROTECTED SPOUSAL INCOME ALLOWANCE
26 FOR FISCAL YEAR 2004;

27 (4) 85% OF THE MAXIMUM PROTECTED SPOUSAL INCOME ALLOWANCE
28 FOR FISCAL YEAR 2005;

29 (5) 90% OF THE MAXIMUM PROTECTED SPOUSAL INCOME ALLOWANCE
30 FOR FISCAL YEAR 2006;

31 (6) 95% OF THE MAXIMUM PROTECTED SPOUSAL INCOME ALLOWANCE
32 FOR FISCAL YEAR 2007; AND

33 (7) 100% OF THE MAXIMUM PROTECTED SPOUSAL INCOME ALLOWANCE
34 FOR FISCAL YEAR 2008.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2001.