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By: **Senator Hafer**
Introduced and read first time: January 18, 2001
Assigned to: Finance

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Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 20, 2001

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CHAPTER_____

1 AN ACT concerning

2   **Nursing Home Residents - Increase in Personal Needs Allowance**

3 FOR the purpose of specifying the amount of the personal needs allowance for a
4   nursing home resident who is a recipient of medical assistance; requiring a
5   certain calculation when computing income eligibility for a nursing home
6   resident who is a recipient of medical assistance; providing for a certain annual
7   increase in the personal needs allowance; requiring the Secretary of Health and
8   Mental Hygiene to adopt certain regulations; and generally relating to the
9   personal needs allowance for a nursing home resident who is a recipient of
10   medical assistance.

11 BY repealing and reenacting, with amendments,
12   Article - Health - General
13   Section 15-109
14   Annotated Code of Maryland
15   (2000 Replacement Volume)

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

18   **Article - Health - General**

19 15-109.

20   (a)   An individual is not ineligible under the Program solely because Social
21 Security benefits received by the individual are increased, unless:

1   (1)   The individual is considered ineligible because of the increase under
2 applicable rules or regulations of the United States Department of Health and
3 Human Services; and

4   (2)   As to that individual, federal matching funds for the State Program
5 are not available.

6   (b)   Except as provided in § 15-103(a)(2)(ii) of this subtitle, to determine
7 eligibility under the Program, the Department annually shall set the allowable yearly
8 income levels in amounts at least equal to the following:

9   (1)   Family of 1 - $2,500.

10   (2)   Family of 2 - $3,000.

11   (3)   Family of 3 - $3,500.

12   (4)   Family of 4 - $4,000.

13   (5)   Family of 5 or more - $4,500 plus an increase of $500 for each family
14 member in excess of 5.

15   (c)   This section is effective only to the extent that its provisions do not conflict
16 with federal requirements for the administration of the Program in this State.

17   (d)   As a condition of eligibility for medical assistance, a recipient is deemed to
18 have assigned to the Secretary of Health and Mental Hygiene or the Secretary's
19 designee any rights to payment for medical care services from any third party who
20 has the legal liability to make payments for those services, to the extent of any
21 payments made by the Department on behalf of the recipient.

22   (E)   (1)   EACH RESIDENT OF A NURSING HOME WHO IS A RECIPIENT OF
23 MEDICAL ASSISTANCE SHALL RECEIVE A PERSONAL NEEDS ALLOWANCE.

24   (2)   BEFORE A DETERMINATION OF INCOME ELIGIBILITY IS MADE FOR A
25 NURSING HOME RESIDENT UNDER THE PROGRAM, THE PERSONAL NEEDS
26 ALLOWANCE SHALL BE DEDUCTED FROM THE TOTAL INCOME OF THE RESIDENT.

27   (3)   THE PERSONAL NEEDS ALLOWANCE FOR EACH RESIDENT OF A
28 NURSING HOME WHO IS A RECIPIENT OF MEDICAL ASSISTANCE SHALL BE:

29   (I)   BEGINNING JULY 1, 2002, ~~$60~~ $50 PER MONTH; AND

30   (II)   BEGINNING JULY 1, 2003, ADJUSTED ANNUALLY BY AN AMOUNT
31 NOT EXCEEDING 5% TO REFLECT THE PERCENTAGE BY WHICH BENEFITS UNDER
32 TITLE II OF THE SOCIAL SECURITY ACT (42 U.S.C. 401 THROUGH 433) ARE INCREASED
33 BY THE FEDERAL GOVERNMENT TO REFLECT CHANGES IN THE COST OF LIVING, AS
34 THAT PERCENTAGE CHANGE IS REPORTED IN THE FEDERAL REGISTER PURSUANT
35 TO 42 U.S.C. 415(1)(2)(D).

1   (4)   THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
2 SUBSECTION.

3   [(e)]   (F)   Subject to the confidentiality requirements of State and federal law,
4 the courts of this State shall admit a certified copy of a 206N form, also known as a
5 long-term care transaction form, into evidence.

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