

SENATE BILL 638

Unofficial Copy
J1

2001 Regular Session
11r2182
CF 11r2503

By: **Senators Kelley, Conway, Currie, Frosh, Hafer, Hooper, Hughes,
Kasemeyer, Madden, McFadden, Mitchell, Pinsky, Sfikas, and
Teitelbaum**

Introduced and read first time: February 2, 2001
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 23, 2001

CHAPTER _____

1 AN ACT concerning

2 **Medical Assistance and Children's Health Programs - Care of Newborns**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene, subject
4 to certain limitations, to develop certain newborn care programs under the
5 Maryland Medical Assistance and Maryland Children's Health Programs;
6 ~~requiring the Department to permit the self-referral of certain newborns for~~
7 ~~primary care under these Programs for a certain time; requiring certain~~
8 ~~managed care organizations to provide certain coverage for certain newborn~~
9 ~~care for a certain time~~ ensure that certain providers are reimbursed for certain
10 services provided to newborns; requiring certain managed care organizations to
11 reimburse certain providers for certain services at certain rates until a certain
12 time; requiring a certain assignment of a certain primary care provider to a
13 newborn; requiring a certain managed care organization to designate a certain
14 staff member as a newborn care coordinator; requiring a newborn care
15 coordinator to perform certain duties; and generally relating to ~~certain care a~~
16 program for newborns and certain coverage of care for certain health care
17 services provided for certain newborns under the Maryland Medical Assistance
18 and Maryland Children's Health Programs.

19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 15-102.1(b)(2) ~~and 15-103(b)(29)~~
22 Annotated Code of Maryland
23 (2000 Replacement Volume)

24 BY adding to

1 Article - Health - General
2 Section 15-103(b)(30) and 15-303.1
3 Annotated Code of Maryland
4 (2000 Replacement Volume)

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

7 **Article - Health - General**

8 15-102.1.

9 (b) The Department shall, to the extent permitted, subject to the limitations of
10 the State budget:

11 (2) Develop a prenatal care program AND NEWBORN CARE PROGRAM for
12 Program recipients and encourage [its] utilization OF THESE PROGRAMS;

13 15-103.

14 ~~(b) (29) (f) IN ORDER TO ENSURE PROMPT AND APPROPRIATE CARE OF~~
15 ~~NEWBORNS AND TO ELIMINATE GAPS IN THEIR CARE, THE DEPARTMENT SHALL~~
16 ~~ALLOW THE SELF-REFERRAL OF A NEWBORN FOR PRIMARY CARE:~~

17 ~~1. FOR THE FIRST 60 DAYS FOLLOWING BIRTH; OR~~

18 ~~2. UNTIL THE NEWBORN IS:~~

19 ~~A. ENROLLED WITH THE MANAGED CARE ORGANIZATION OF~~
20 ~~THE MOTHER OR OF THE NEWBORN'S SIBLINGS; AND~~

21 ~~B. ASSIGNED THE PRIMARY CARE PROVIDER OF THE~~
22 ~~MOTHER'S CHOICE.~~

23 ~~(H) FOR UP TO 60 DAYS, THE MANAGED CARE ORGANIZATION OF~~
24 ~~THE MOTHER SHALL PROVIDE COVERAGE AT ITS OWN FEE FOR SERVICE RATE OR~~
25 ~~THE PROGRAM FEE FOR SERVICE RATE, WHICHEVER IS GREATER, FOR:~~

26 ~~1. THE PRIMARY OR SPECIALTY CARE PROVIDER CARING~~
27 ~~FOR THE NEWBORN; AND~~

28 ~~2. A MEDICAL LABORATORY, PHARMACY, AND PROVIDER OF~~
29 ~~DURABLE MEDICAL EQUIPMENT OR OTHER HEALTH CARE SERVICES FOR THE~~
30 ~~NEWBORN.~~

31 ~~(III) A managed care organization shall provide coverage for hearing~~
32 ~~loss screenings of newborns provided by a hospital before discharge.~~

1 (b) (30) (I) IN THIS PARAGRAPH, "ELIGIBLE NEWBORN" MEANS A
2 NEWBORN WHOSE MOTHER IS RECEIVING MEDICAL ASSISTANCE ON THE DATE OF
3 THE NEWBORN'S BIRTH.

4 (II) TO ENSURE PROMPT AND APPROPRIATE CARE OF NEWBORNS
5 AND TO ELIMINATE GAPS IN THEIR CARE, THE DEPARTMENT SHALL ENSURE THAT
6 PROVIDERS WHO FURNISH MEDICALLY NECESSARY SERVICES TO AN ELIGIBLE
7 NEWBORN ARE REIMBURSED FOR THE SERVICES PROVIDED.

8 (III) THE MANAGED CARE ORGANIZATION OF A MOTHER OF AN
9 ELIGIBLE NEWBORN SHALL REIMBURSE THE COST OF PRIMARY CARE, PHARMACY,
10 LABORATORY, AND OTHER HEALTH CARE SERVICES PROVIDED TO AN ELIGIBLE
11 NEWBORN AT:

12 1. ITS FEE-FOR-SERVICE RATE FOR AN IN-NETWORK
13 PROVIDER; AND

14 2. THE PROGRAM FEE-FOR-SERVICE RATE FOR AN
15 OUT-OF-NETWORK PROVIDER.

16 (IV) THE MANAGED CARE ORGANIZATION OF A MOTHER OF AN
17 ELIGIBLE NEWBORN SHALL REIMBURSE IN-NETWORK AND OUT-OF-NETWORK
18 PROVIDERS OF SERVICES FOR SERVICES PROVIDED TO AN ELIGIBLE NEWBORN
19 UNTIL THE ELIGIBLE NEWBORN IS:

20 1. ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM;

21 2. ENROLLED WITH THE MANAGED CARE ORGANIZATION OF
22 THE MOTHER OR THE MANAGED CARE ORGANIZATION OF THE ELIGIBLE NEWBORN'S
23 SIBLING; AND

24 3. ASSIGNED TO A PRIMARY CARE PROVIDER OF THE
25 MOTHER'S CHOICE.

26 (V) THE DEPARTMENT SHALL ESTABLISH A NEWBORN CARE
27 PROGRAM THAT:

28 1. FACILITATES SELECTION OF A PRIMARY CARE PROVIDER
29 BEFORE THE BIRTH OF AN ELIGIBLE NEWBORN; AND

30 2. ENSURES THAT A MANAGED CARE ORGANIZATION
31 ASSIGNS A PRIMARY CARE PROVIDER OF THE MOTHER'S CHOICE TO HER ELIGIBLE
32 NEWBORN.

33 (VI) THE DEPARTMENT SHALL ENSURE THAT EACH MANAGED CARE
34 ORGANIZATION DESIGNATES AN APPROPRIATE STAFF MEMBER TO BE A NEWBORN
35 CARE COORDINATOR.

36 (VII) A NEWBORN CARE COORDINATOR IS RESPONSIBLE FOR:

1 1. RESEARCHING AND CONFIRMING THE ASSIGNMENT OF
2 AN ELIGIBLE NEWBORN TO A MANAGED CARE ORGANIZATION;

3 2. FACILITATING THE SELECTION OF A PRIMARY CARE
4 PROVIDER FOR AN ELIGIBLE NEWBORN;

5 3. FACILITATING CLAIMS PAYMENT FOR SERVICES
6 PROVIDED TO AN ELIGIBLE NEWBORN;

7 4. PROVIDING GENERAL GUIDANCE TO PROVIDERS AND
8 THEIR OFFICE STAFF ON QUESTIONS RELATING TO NEWBORNS; AND

9 5. COORDINATING WITH ANCILLARY CARE PROVIDERS TO
10 FACILITATE APPROPRIATE DELIVERY OF CARE AND PAYMENT OF CLAIMS.

11 15-303.1.

12 (A) IN THIS SECTION, "ELIGIBLE NEWBORN" MEANS A NEWBORN WHOSE
13 MOTHER IS RECEIVING MEDICAL ASSISTANCE ON THE DATE OF THE NEWBORN'S
14 BIRTH.

15 ~~(A)~~ (B) THE DEPARTMENT SHALL, TO THE EXTENT ALLOWED AND, SUBJECT
16 TO THE LIMITATIONS OF THE STATE BUDGET, DEVELOP A PRENATAL CARE PROGRAM
17 AND NEWBORN CARE PROGRAM FOR MCHP MARYLAND CHILDREN'S HEALTH
18 PROGRAM RECIPIENTS AND ENCOURAGE UTILIZATION OF THESE PROGRAMS.

19 ~~(B)~~ (C) ~~IN ORDER TO ENSURE PROMPT AND APPROPRIATE CARE OF~~
20 ~~NEWBORNS AND TO ELIMINATE GAPS IN THEIR CARE, THE DEPARTMENT SHALL~~
21 ~~PERMIT THE SELF REFERRAL OF A NEWBORN FOR PRIMARY CARE; ENSURE THAT~~
22 ~~PROVIDERS WHO FURNISH MEDICALLY NECESSARY SERVICES TO AN ELIGIBLE~~
23 ~~NEWBORN ARE REIMBURSED FOR THE SERVICES PROVIDED.~~

24 ~~(1) FOR THE FIRST 60 DAYS FOLLOWING BIRTH; OR~~

25 ~~(2) UNTIL THE NEWBORN IS:~~

26 ~~(1) ENROLLED WITH THE MANAGED CARE ORGANIZATION OF THE~~
27 ~~MOTHER OR OF THE NEWBORN'S SIBLINGS; AND~~

28 ~~(II) ASSIGNED THE PRIMARY CARE PROVIDER OF THE MOTHER'S~~
29 ~~CHOICE.~~

30 ~~(C) FOR UP TO 60 DAYS, THE MANAGED CARE ORGANIZATION OF THE MOTHER~~
31 ~~SHALL PROVIDE COVERAGE AT ITS OWN FEE FOR SERVICE RATE OR THE MCHP~~
32 ~~FEE FOR SERVICE RATE, WHICHEVER IS GREATER, FOR:~~

33 ~~(1) THE PRIMARY OR SPECIALTY CARE PROVIDER CARING FOR THE~~
34 ~~NEWBORN; AND~~

35 ~~(2) A MEDICAL LABORATORY, PHARMACY, AND PROVIDER OF DURABLE~~
36 ~~MEDICAL EQUIPMENT OR OTHER HEALTH CARE SERVICES FOR THE NEWBORN.~~

1 (D) THE MANAGED CARE ORGANIZATION OF A MOTHER OF AN ELIGIBLE
2 NEWBORN SHALL REIMBURSE THE COST OF PRIMARY CARE, PHARMACY,
3 LABORATORY, AND OTHER HEALTH CARE SERVICES PROVIDED TO AN ELIGIBLE
4 NEWBORN AT:

5 (1) ITS FEE-FOR-SERVICE RATE FOR AN IN-NETWORK PROVIDER; AND

6 (2) THE PROGRAM FEE-FOR-SERVICE RATE FOR AN OUT-OF-NETWORK
7 PROVIDER.

8 (E) THE MANAGED CARE ORGANIZATION OF A MOTHER OF AN ELIGIBLE
9 NEWBORN SHALL REIMBURSE IN-NETWORK AND OUT-OF-NETWORK PROVIDERS OF
10 SERVICES FOR SERVICES PROVIDED TO AN ELIGIBLE NEWBORN UNTIL THE ELIGIBLE
11 NEWBORN IS:

12 (1) ENROLLED IN THE MEDICAL ASSISTANCE PROGRAM;

13 (2) ENROLLED WITH THE MANAGED CARE ORGANIZATION OF THE
14 MOTHER OR THE MANAGED CARE ORGANIZATION OF THE ELIGIBLE NEWBORN'S
15 SIBLING; AND

16 (3) ASSIGNED TO A PRIMARY CARE PROVIDER OF THE MOTHER'S
17 CHOICE.

18 (F) THE DEPARTMENT SHALL ESTABLISH A NEWBORN CARE PROGRAM THAT:

19 (1) FACILITATES SELECTION OF A PRIMARY CARE PROVIDER BEFORE
20 THE BIRTH OF AN ELIGIBLE NEWBORN; AND

21 (2) ENSURES THAT A MANAGED CARE ORGANIZATION ASSIGNS A
22 PRIMARY CARE PROVIDER OF THE MOTHER'S CHOICE TO HER ELIGIBLE NEWBORN.

23 (G) THE DEPARTMENT SHALL ENSURE THAT EACH MANAGED CARE
24 ORGANIZATION DESIGNATES AN APPROPRIATE STAFF MEMBER TO BE A NEWBORN
25 CARE COORDINATOR.

26 (H) A NEWBORN CARE COORDINATOR IS RESPONSIBLE FOR:

27 (1) RESEARCHING AND CONFIRMING THE ASSIGNMENT OF AN ELIGIBLE
28 NEWBORN TO A MANAGED CARE ORGANIZATION;

29 (2) FACILITATING THE SELECTION OF A PRIMARY CARE PROVIDER FOR
30 AN ELIGIBLE NEWBORN;

31 (3) FACILITATING CLAIMS PAYMENT FOR SERVICES PROVIDED TO AN
32 ELIGIBLE NEWBORN;

33 (4) PROVIDING GENERAL GUIDANCE TO PROVIDERS AND THEIR OFFICE
34 STAFF ON NEWBORN-RELATED QUESTIONS; AND

1 (5) COORDINATING WITH ANCILLARY CARE PROVIDERS TO FACILITATE
2 APPROPRIATE DELIVERY OF CARE AND PAYMENT OF CLAIMS.

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