

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE
Revised

House Bill 702 (Delegate Hubbard, *et al.*)

Environmental Matters

Finance

Community Attendant Services and Supports Program

This bill requires the Department of Human Resources (DHR) in coordination with the Department of Health and Mental Hygiene (DHMH) to administer a Community Attendant Services and Support Program to certain individuals with disabilities by expanding an existing Medicaid waiver funded program within DHR.

Fiscal Summary

State Effect: The FY 2002 State budget includes \$10.09 million (50% general funds/50% federal funds) to fund the provision of services to 300 individuals. Future years reflect a 5% rate of inflation. Revenues would not be affected.

(\$ in millions)	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	5.04	5.30	5.56	5.84	6.13
FF Expenditure	5.04	5.30	5.56	5.84	6.13
Net Effect	(\$10.09)	(\$10.59)	(\$11.12)	(\$11.68)	(\$12.26)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Indeterminate. Local government agencies may be eligible for payment as service providers.

Small Business Effect: Meaningful. Small businesses that provide community attendant services would be positively impacted.

Analysis

Bill Summary: Subject to funding in the State budget, DHR, in coordination with DHMH, is required to administer a comprehensive program that provides “attendant

services and supports” to “eligible individuals.” The program will provide community attendant services to disabled individuals who, without such services, would have to live in a nursing facility. The services are to be provided through a Medicaid home and community services based waiver. DHMH is required to adopt regulations to carry out the provisions of the bill.

Eligible individual means an adult with a disability who: (1) is aged 21 - 59; (2) requires the level of care provided in a nursing facility; and (3) qualifies for the Medicaid waiver for adults with disabilities. Attendant services and supports means services related to: (1) dressing; (2) preparing food and assisting the disabled individual with eating; (3) bathing and personal hygiene; (4) assisting with routine bodily functions, including bowel or urinary care; (5) moving into, out of, or turning in bed; (6) laundering and providing other clothing care; and (7) cleaning house and performing other services of daily care, including shopping and transportation.

DHR, in coordination with DHMH, will amend the existing Medicaid waiver for adults with physical disabilities to include individuals with incomes at or below 300% of supplemental security income.

An individual’s program of services will be based upon a mutually agreed upon individual services plan, jointly developed by the individual and DHR. The individual will have the option to choose among different types of services and may select or hire a personal assistant, including a family member (spouse excluded). DHR will offer the following training to the individual: (1) how to select, manage, and dismiss an attendant or personal assistant; and (2) financial management of the individual’s personal assistance services.

An individual who is dissatisfied with the program has a right to appeal to DHR.

DHR and DHMH are required to adopt a quality assurance system for the program that is consistent with federal requirements regarding quality of waiver services.

The bill also requires the State to apply for federal grants and waivers in order to assist the State in implementing the bill, and to notify the U. S. Department of Health and Human Services of the State’s intent to expand the current Medicaid Home- and Community-Based Waiver for Adults with Physical Disabilities by July 1, 2001. DHR must report on the status and development of the program and on the status of the applications for federal grants and waivers, including the number of individuals budgeted for the Medicaid Home and Community Services Based Waiver for Adults with Physical Disabilities every three months. The first report is due by October 1, 2001.

Subject to funding in the State budget, DHMH and DHR are required to expand the capacity of the Medicaid Home and Community Services Based Waiver for Adults with Physical Disabilities to include 300 individuals by the end of fiscal 2002. DHMH and DHR must establish a plan to identify individuals residing in nursing homes who would be eligible for services under the waiver and develop a timeline for providing those individuals with access to the services under the waiver. DHR and DHMH must report to the General Assembly on the plan by January 1, 2002.

Background: Beginning April 1, 2001, DHR began providing home- and community-based services for adults with physical disabilities. These services are available as a result of the Medicaid attendant care waiver received from the federal government. Named the “Living at Home: Maryland Community Choices,” the program covers certain specific home- and community-based services for adults (aged 21-59) who have a physical disability as an alternative to nursing home placements. This is a statewide program, and participants are enrolled on a first come, first served basis. Services to be provided include:

- attendant care;
- assistive technology;
- environmental adaptations;
- personal emergency response systems;
- occupational therapy;
- speech therapy;
- nursing supervision of attendants;
- consumer training;
- family training; and
- disposable supplies

The waiver also covers costs for case management, fiscal intermediary services, transitional services, and administrative services.

The program was intended to begin January 1, 2001. However, DHR had to wait for the processing of another Medicaid waiver granted during fiscal 2001. The State received two Medicaid waivers from the U.S. Department of Health and Human Services. Since DHMH is the lead State agency for Medicaid, both waivers must be processed through DHMH. DHMH chose to process its waiver before the attendant care waiver. As a result, even though DHR originally planned to begin its program in January, implementation was delayed to April. The fiscal 2001 budget includes a total of \$2,005,650 (50% federal funds/50% general funds) to fund the program.

Current Law: None applicable.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Developmental Disabilities Administration), Department of Human Resources (Community Services Administration), Department of Legislative Services

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