

SENATE BILL 69

Unofficial Copy  
O3

2002 Regular Session  
2lr0784

(PRE-FILED)

---

By: **Senator Van Hollen**

Requested: October 31, 2001

Introduced and read first time: January 9, 2002

Assigned to: Finance

---

A BILL ENTITLED

1 AN ACT concerning

2 **Medicaid Reimbursement - Community-Based Services for Children with**  
3 **Disabilities**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to apply  
5 to the Center for Medicare and Medicaid Services (CMS) of the United States  
6 Department of Health and Human Services for an amendment to the State  
7 Medical Assistance Program to allow the Department to receive federal  
8 matching funds for certain targeted case management work; requiring the  
9 Department to apply to CMS for an amendment to the State Medical Assistance  
10 Program to allow the Department to receive certain federal matching funds for  
11 the nonroom-and-board portion of certain residential care costs; requiring that  
12 certain federal funds received by State or local departments or agencies may not  
13 revert to the General Fund of the State, but shall be transferred to the  
14 Subcabinet for Children, Youth, and Families Resource Fund to create a certain  
15 interagency pool; requiring that the interagency pool created under this Act be  
16 used to provide certain community-based services and community-based  
17 out-of-home placements needed by certain children with mental or  
18 developmental disabilities; requiring the Office of Children, Youth, and Families  
19 to adopt certain regulations; requiring certain departments or agencies having  
20 care, custody, or commitment of children in certain residential programs to pay  
21 for the State's cost of the residential program through reimbursement to the  
22 Department within a certain time period; and generally relating to  
23 community-based services for children with disabilities.

24 BY adding to  
25 Article - Health - General  
26 Section 15-134  
27 Annotated Code of Maryland  
28 (2000 Replacement Volume and 2001 Supplement)

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

1 **Article - Health - General**

2 15-134.

3 (A) ON OR BEFORE OCTOBER 1, 2002, THE DEPARTMENT SHALL APPLY TO THE  
4 CENTER FOR MEDICARE AND MEDICAID SERVICES (CMS) OF THE UNITED STATES  
5 DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR AN AMENDMENT TO THE  
6 STATE MEDICAL ASSISTANCE PROGRAM TO ALLOW THE DEPARTMENT TO RECEIVE  
7 FEDERAL MATCHING FUNDS FROM CMS FOR THE TARGETED CASE MANAGEMENT  
8 WORK PERFORMED BY EMPLOYEES OF THE DEPARTMENT OF JUVENILE JUSTICE  
9 AND THE DEPARTMENT OF HUMAN RESOURCES.

10 (B) ON OR BEFORE DECEMBER 1, 2002, THE DEPARTMENT SHALL SUBMIT AN  
11 APPLICATION TO CMS TO AMEND THE STATE MEDICAL ASSISTANCE PROGRAM TO  
12 ALLOW THE DEPARTMENT TO RECEIVE FEDERAL MATCHING FUNDS FOR THE  
13 NONROOM-AND-BOARD PORTION OF THE COSTS OF ALL ELIGIBLE RESIDENTIAL  
14 CARE PROVIDED BY STATE AND LOCAL AGENCIES THROUGH PUBLIC OR PRIVATE  
15 PROVIDERS TO INDIVIDUALS UNDER THE AGE OF 21 YEARS.

16 (C) THE APPLICATION SUBMITTED BY THE DEPARTMENT UNDER SUBSECTION  
17 (B) OF THIS SECTION:

18 (1) SHALL APPLY TO A RESIDENTIAL CARE PLACEMENT PROVIDING  
19 THERAPEUTIC OR REHABILITATIVE SERVICES IN ADDITION TO ROOM AND BOARD  
20 SERVICES TO AN INDIVIDUAL WHO IS:

21 (I) UNDER THE AGE OF 21 YEARS; AND

22 (II) IN THE CARE OR CUSTODY OF, COMMITTED TO, OR  
23 VOLUNTARILY PLACED BY ANY STATE OR LOCAL AGENCY IN THE STATE; AND

24 (2) SHALL INCLUDE PLACEMENTS IN:

25 (I) GROUP HOMES;

26 (II) THERAPEUTIC FOSTER HOMES OR PROVIDERS;

27 (III) ALTERNATIVE LIVING UNITS OR PROVIDERS;

28 (IV) RESPITE FACILITIES;

29 (V) SHELTERS;

30 (VI) CRISIS PROGRAMS;

31 (VII) INDEPENDENT LIVING PROGRAMS;

32 (VIII) SCHOOLS; OR

33 (IX) ANY OTHER RESIDENTIAL SETTING FOR WHICH THE STATE IS  
34 NOT CURRENTLY RECEIVING FEDERAL MEDICAL ASSISTANCE MATCHING FUNDS

1 FOR THE NONROOM-AND-BOARD PORTION OF THE STATE MEDICAL ASSISTANCE  
2 PROGRAM.

3 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ANY  
4 FEDERAL MATCHING FUNDS RECEIVED BY ANY STATE OR LOCAL DEPARTMENT OR  
5 AGENCY UNDER SUBSECTION (A) OR (B) OF THIS SECTION, WHETHER SUBMITTED TO  
6 CMS BY THE DEPARTMENT BEFORE, ON, OR AFTER OCTOBER 1, 2002, MAY NOT  
7 REVERT TO THE GENERAL FUND OF THE STATE, BUT INSTEAD SHALL BE  
8 TRANSFERRED TO THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES  
9 RESOURCE FUND UNDER ARTICLE 49D OF THE CODE TO CREATE AN INTERAGENCY  
10 POOL OF FUNDS TO PROVIDE SERVICES TO CHILDREN WITH DISABILITIES.

11 (2) ANY FEDERAL MATCHING FUNDS OVER \$6,000,000 RECEIVED BY THE  
12 DEPARTMENT OF HUMAN RESOURCES UNDER SUBSECTION (A) OF THIS SECTION  
13 MAY NOT REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL BE  
14 TRANSFERRED TO THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES  
15 RESOURCE FUND FOR THE SAME PURPOSE AS IN PARAGRAPH (1) OF THIS  
16 SUBSECTION.

17 (3) THE POOL OF INTERAGENCY FUNDS ESTABLISHED UNDER THIS  
18 SUBSECTION SHALL BE USED TO FUND THE COMMUNITY-BASED SERVICES AND  
19 COMMUNITY-BASED OUT-OF-HOME PLACEMENTS NEEDED BY CHILDREN WITH  
20 MENTAL OR DEVELOPMENTAL DISABILITIES NOT IN STATE CUSTODY, REGARDLESS  
21 OF ELIGIBILITY FOR THE STATE MEDICAL ASSISTANCE PROGRAM, IF:

22 (I) THE CHILD IS IN AN OUT-OF-HOME PLACEMENT AND HAS  
23 BEEN RECOMMENDED FOR DISCHARGE BUT THE CHILD'S FAMILY IS UNWILLING OR  
24 UNABLE TO HAVE THE CHILD RETURN HOME; OR

25 (II) THE CHILD REMAINS IN THE HOME BUT THE CHILD'S FAMILY IS  
26 UNABLE TO PROVIDE APPROPRIATE CARE FOR THE CHILD WITHOUT ADDITIONAL  
27 SERVICES AND THE CHILD IS EITHER AT RISK OF REQUIRING AN OUT-OF-HOME  
28 PLACEMENT OR THE TREATING PROFESSIONALS HAVE RECOMMENDED AN  
29 OUT-OF-HOME PLACEMENT.

30 (E) (1) THE GOVERNOR'S OFFICE FOR CHILDREN, YOUTH, AND FAMILIES  
31 SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF SUBSECTION (D)(3)  
32 OF THIS SECTION.

33 (2) THE REGULATIONS SHALL:

34 (I) INCLUDE THE CRITERIA FOR ELIGIBILITY AND FOR  
35 PRIORITIZATION OF ELIGIBLE CHILDREN; AND

36 (II) BE DEVELOPED WITH INPUT FROM PARENTS OF A CHILD WITH  
37 DISABILITIES, GROUPS REPRESENTING FAMILIES OF POTENTIALLY ELIGIBLE  
38 CHILDREN, ADVOCACY ORGANIZATIONS, THE PROTECTION AND ADVOCACY SYSTEM  
39 FOR PERSONS WITH DISABILITIES, PROVIDERS, LOCAL AGENCIES SERVING  
40 CHILDREN WITH DISABILITIES, AND SUBCABINET AGENCIES.

1 (F) IF THE STATE'S APPLICATION FOR AN AMENDMENT TO THE STATE  
2 MEDICAL ASSISTANCE PROGRAM SUBMITTED UNDER SUBSECTION (B) OF THIS  
3 SECTION IS APPROVED BY CMS AND THE STATE'S SHARE OF THE COST OF EACH  
4 INDIVIDUAL'S RESIDENTIAL PROGRAM IS AFFECTED BY THE AMENDMENT, THEN  
5 THE DEPARTMENT OR AGENCY HAVING CARE, CUSTODY, OR COMMITMENT OF THE  
6 CHILD, OR THE AGENCY PROVIDING A VOLUNTARY PLACEMENT TO THE CHILD,  
7 SHALL PAY THE STATE'S SHARE THROUGH REIMBURSEMENT TO THE DEPARTMENT  
8 WITHIN 60 DAYS AFTER THE DEPARTMENT PAYS THE PROVIDER.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2002.