

SENATE BILL 69

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2002 Regular Session
2lr0784
CF 2lr2678

(PRE-FILED)

By: ~~Senator Van Hollen~~ **Senators Van Hollen, Astle, Bromwell, DeGrange,
Della, Dorman, Exum, Hafer, Hooper, Kelley, Roesser, and Teitelbaum**

Requested: October 31, 2001
Introduced and read first time: January 9, 2002
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 8, 2002

CHAPTER _____

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 Governor~~
14 include certain funds in the budget under certain conditions for the Subcabinet
15 for Children, Youth, and Families Resource Fund to create a certain interagency
16 pool; requiring that the interagency pool created under this Act be used to
17 provide certain community-based services and community-based out-of-home
18 placements needed by certain children with mental or developmental
19 disabilities; requiring the Office of Children, Youth, and Families to adopt
20 certain regulations; requiring certain departments or agencies having care,
21 custody, or commitment of children in certain residential programs to pay for the
22 State's cost of the residential program through reimbursement to the
23 Department within a certain time period; and generally relating to
24 community-based services for children with disabilities.

25 BY adding to

1 Article - Health - General
2 Section 15-134
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2001 Supplement)

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 15-134.

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

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

22 (C) THE APPLICATION SUBMITTED BY THE DEPARTMENT UNDER SUBSECTION
23 (B) OF THIS SECTION:

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

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

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

30 (2) SHALL INCLUDE PLACEMENTS IN:

31 (I) GROUP HOMES;

32 (II) THERAPEUTIC FOSTER HOMES OR PROVIDERS;

33 (III) ALTERNATIVE LIVING UNITS OR PROVIDERS;

34 (IV) RESPITE FACILITIES;

35 (V) SHELTERS;

1 (VI) CRISIS PROGRAMS;

2 (VII) INDEPENDENT LIVING PROGRAMS;

3 (VIII) SCHOOLS; OR

4 (IX) ANY OTHER RESIDENTIAL SETTING FOR WHICH THE STATE IS
5 NOT CURRENTLY RECEIVING FEDERAL MEDICAL ASSISTANCE MATCHING FUNDS
6 FOR THE NONROOM-AND-BOARD PORTION OF THE STATE MEDICAL ASSISTANCE
7 PROGRAM.

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

16 ~~(2) ANY FEDERAL MATCHING FUNDS OVER \$6,000,000 RECEIVED BY THE
17 DEPARTMENT OF HUMAN RESOURCES UNDER SUBSECTION (A) OF THIS SECTION
18 MAY NOT REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL BE
19 TRANSFERRED TO THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES
20 RESOURCE FUND FOR THE SAME PURPOSE AS IN PARAGRAPH (1) OF THIS
21 SUBSECTION FOR FISCAL YEAR 2004 AND EACH SUBSEQUENT FISCAL YEAR, THE
22 GOVERNOR SHALL PROVIDE FUNDS IN THE BUDGET FOR THE SUBCABINET FOR
23 CHILDREN, YOUTH, AND FAMILIES RESOURCE FUND ESTABLISHED UNDER ARTICLE
24 49D OF THE CODE IN AN AMOUNT EQUAL TO THE AMOUNT OF FEDERAL FUNDS IN
25 EXCESS OF \$6,000,000 RECEIVED UNDER SUBSECTION (A) OR (B) OF THIS SECTION
26 DURING THE MOST RECENTLY COMPLETED FISCAL YEAR.~~

27 (2) THE FUNDS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION
28 SHALL BE USED TO CREATE AN INTERAGENCY POOL OF FUNDS TO PROVIDE
29 SERVICES TO CHILDREN WITH DISABILITIES.

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

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

38 (II) THE CHILD REMAINS IN THE HOME BUT THE CHILD'S FAMILY IS
39 UNABLE TO PROVIDE APPROPRIATE CARE FOR THE CHILD WITHOUT ADDITIONAL
40 SERVICES AND THE CHILD IS EITHER AT RISK OF REQUIRING AN OUT-OF-HOME

1 PLACEMENT OR THE TREATING PROFESSIONALS HAVE RECOMMENDED AN
2 OUT-OF-HOME PLACEMENT.

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

6 (2) THE REGULATIONS SHALL:

7 (I) INCLUDE THE CRITERIA FOR ELIGIBILITY AND FOR
8 PRIORITIZATION OF ELIGIBLE CHILDREN; AND

9 (II) BE DEVELOPED WITH INPUT FROM PARENTS OF A CHILD WITH
10 DISABILITIES, GROUPS REPRESENTING FAMILIES OF POTENTIALLY ELIGIBLE
11 CHILDREN, ADVOCACY ORGANIZATIONS, THE PROTECTION AND ADVOCACY SYSTEM
12 FOR PERSONS WITH DISABILITIES, PROVIDERS, LOCAL AGENCIES SERVING
13 CHILDREN WITH DISABILITIES, AND SUBCABINET AGENCIES.

14 ~~(F) IF THE STATE'S APPLICATION FOR AN AMENDMENT TO THE STATE
15 MEDICAL ASSISTANCE PROGRAM SUBMITTED UNDER SUBSECTION (B) OF THIS
16 SECTION IS APPROVED BY CMS AND THE STATE'S SHARE OF THE COST OF EACH
17 INDIVIDUAL'S RESIDENTIAL PROGRAM IS AFFECTED BY THE AMENDMENT, THEN
18 THE DEPARTMENT OR AGENCY HAVING CARE, CUSTODY, OR COMMITMENT OF THE
19 CHILD, OR THE AGENCY PROVIDING A VOLUNTARY PLACEMENT TO THE CHILD,
20 SHALL PAY THE STATE'S SHARE THROUGH REIMBURSEMENT TO THE DEPARTMENT
21 WITHIN 60 DAYS AFTER THE DEPARTMENT PAYS THE PROVIDER.~~

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