

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 624

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Hollinger” and substitute “Senators Hollinger and Green”; strike beginning with “establishing” in line 3 down through “services” in line 4 and substitute “requiring the Department of Health and Mental Hygiene to develop certain criteria using a certain measuring instrument and a certain method to collect and assess certain information related to levels of care; requiring the Department to implement the criteria at a certain time; requiring the Department of Health and Mental Hygiene and the Department of Aging to jointly administer certain waiver services”; in line 5, strike “requiring” and substitute “allowing”; in the same line, strike “eligible for” and substitute “enrolled in”; strike beginning with the first “to” in line 6 down through “develop” in line 9 and substitute “at a certain time to remain in the waivers; requiring the Department of Health and Mental Hygiene and the Department of Aging to develop a certain plan, including the development of”; in line 9, after “services” insert “and a certain single point of entry system”; strike beginning with “requiring” in line 9 down through the semicolon in line 12 and substitute “authorizing the Department of Health and Mental Hygiene to designate a certain agency as a certain single point of entry for individuals applying for certain services;”; in line 12, after “Department” insert “, if a certain waiver is approved on or before a certain date.”; in the same line, after “develop” insert “, on or before a certain date.”; in the same line, strike “waiver” and substitute “program”; in line 17, strike “approval of”; in line 23, after “Department” insert “of Health and Mental Hygiene and the Department of Aging”; and in the same line, strike “a report” and substitute “certain reports”.

On page 2, in line 1, strike “(b),”; in line 11, strike “and 4(d)(8)”; in line 16, strike “(2), (6), and (7)”; and after line 18, insert:

“Preamble

WHEREAS, A variety of long-term care programs would allow the Maryland Medical

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Assistance Program to provide a greater array of services in a more affordable manner; and

WHEREAS, A managed long-term care program would improve the quality of and access to long-term care services for community-based dually eligible individuals and reduce costs by utilizing accountable health care delivery systems paid on a capitated basis; and

WHEREAS, Services that would be covered by a managed long-term care program would include adult day care services, adult evaluation and review services, and personal care services, including home care services such as help with activities of daily living, food shopping, and medical appointment transportation; and

WHEREAS, A managed long-term care program would create a less fragmented and more flexible delivery system, provide incentives to reduce institutionalization, make State spending more predictable, and conserve State resources; and

WHEREAS, Consistent with success achieved in other states, such as Texas and Arizona, a managed long-term care program would help to make the delivery system less confusing to navigate for seniors and would encourage aging in place through the prevention of functional decline and the provision of community-based care to delay institutionalization; and

WHEREAS, A managed long-term care program would provide a broader array of services to a larger group of individuals earlier in the aging process, and enable the State to reallocate a portion of the funds to cover a broader number of individuals within other Maryland Medical Assistance Programs; now, therefore,”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 23 on page 2 through line 28 on page 3, inclusive, and substitute:

“(A) (1) THE DEPARTMENT SHALL DEVELOP:

(I) CRITERIA TO DETERMINE WHEN AN INDIVIDUAL REQUIRES THE LEVEL OF CARE PROVIDED IN A NURSING FACILITY; AND

(II) AN OBJECTIVE INSTRUMENT TO COLLECT AND ASSESS INFORMATION ABOUT AN INDIVIDUAL’S CONDITION IN ORDER TO ESTABLISH IF THE CRITERIA ARE MET.

(2) THE CRITERIA DEVELOPED BY THE DEPARTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE NEED FOR ASSISTANCE

BASED ON BEHAVIORAL, FUNCTIONAL, OR COGNITIVE DEFECTS AND THE NEED FOR SKILLED NURSING OR REHABILITATIVE SERVICES.

(3) THE DEPARTMENT SHALL IMPLEMENT THE CRITERIA:

(I) ON OR BEFORE JULY 1, 2004; OR

(II) IF IMPLEMENTATION OF THE RECOMMENDED CRITERIA WOULD RESULT IN ADDITIONAL COSTS TO THE DEPARTMENT, SUBJECT TO THE APPROPRIATION OF SUFFICIENT FUNDS FROM THE STATE BUDGET.”.

On page 3, in line 29, strike “(C)” and substitute “(B)”.

On pages 3 and 4, strike in their entirety the lines beginning with line 32 on page 3 through line 2 on page 4, inclusive.

On page 4, in line 6, strike “ELIGIBLE FOR SERVICES UNDER” and substitute “ENROLLED IN”; strike beginning with “AND” in line 7 down through “SERVICES” in line 8 and substitute “OR ANY OTHER STATE WAIVER AT THE TIME WHEN THE”; strike beginning with the comma in line 8 down through the comma in line 10 and substitute “IS IMPLEMENTED”; in line 10, strike “ELECT” and substitute “REMAIN IN”; in the same line, after “WAIVER” insert “DEVELOPED”; strike beginning with “WHICH” in line 10 down through “RECEIVED” in line 11 and substitute “THIS SECTION OR ANY OTHER STATE WAIVER”; in line 12, strike the brackets; in line 13, strike “, Human Resources,”; in the same line, strike “] DEPARTMENT”; in line 14, after “DEPARTMENT” insert “AND THE DEPARTMENT OF AGING”; in the same line, after “SHALL” insert “DEVELOP A DETAILED PLAN THAT SPECIFIES”; strike in their entirety lines 15 through 18, inclusive, and substitute:

“(1) HOW THE DEPARTMENT AND THE DEPARTMENT OF AGING WILL IMPLEMENT IMPROVEMENTS TO THE WAIVER, INCLUDING:

(I) THE DEVELOPMENT OF A STATEWIDE SINGLE POINT OF ENTRY SYSTEM TO:”;

(Over)

in lines 19, 20, 21, 22, 23, 24, 25, 26, and 27, strike “(I)”, “(II)”, “(III)”, “(IV)”, “1.”, “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “1.”, “2.”, “3.”, “4.”, “A.”, “B.”, “C.”, “D.”, and “E.”, respectively; in line 27, after the semicolon insert “AND”; in line 28, strike “(3)” and substitute “(II)”; in the same line, strike “IMPLEMENT” and substitute “THE CREATION OF”; strike beginning with “AND” in line 29 down through “WAIVER” in line 31 and substitute:

“(2) WHEN EACH IMPROVEMENT TO THE WAIVER WILL BE IMPLEMENTED;

“(3) ANY REGULATORY OR STATUTORY CHANGES THAT ARE NEEDED IN ORDER TO IMPLEMENT THE IMPROVEMENTS; AND

“(4) THE COST TO IMPLEMENT EACH IMPROVEMENT.

“(I) THE DEPARTMENT MAY DESIGNATE THE LOCAL AREA AGENCY ON AGING AS THE SINGLE POINT OF ENTRY UNDER SUBSECTION (H) OF THIS SECTION”;

and in line 32, strike “(I)” and substitute “(J)”.

On page 5, in line 5, strike “(J)” and substitute “(K)”; in line 9, strike “ON OR BEFORE JULY 1, 2004,” and substitute “ON OR BEFORE DECEMBER 15, 2003, THE DEPARTMENT SHALL APPLY FOR A HOME- AND COMMUNITY-BASED LONG-TERM CARE SERVICES WAIVER UNDER THE FEDERAL SOCIAL SECURITY ACT.”

“(2) IF A WAIVER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION IS APPROVED ON OR BEFORE SEPTEMBER 1, 2004.”;

in the same line, after “DEPARTMENT” insert “, ON OR BEFORE JULY 1, 2005,”; strike in their entirety lines 14 through 16, inclusive; in line 20, strike “ELIGIBLE FOR SERVICES UNDER” and substitute “ENROLLED IN”; strike beginning with “THIS” in line 21 down through “SERVICES” in line 22 and substitute “§ 15-132 OF THIS SUBTITLE OR ANY OTHER STATE WAIVER AT THE TIME WHEN THE”; in line 22, after the first “WAIVER” insert “DEVELOPED UNDER THIS SECTION IS IMPLEMENTED”; strike beginning with “UNDER” in line 22 down through “SERVICES,” in line 23; in line 24, strike “ELECT” and substitute “REMAIN IN”; strike beginning

with “UNDER” in line 24 down through “RECEIVED” in line 25 and substitute “DEVELOPED UNDER § 15-132 OF THIS SUBTITLE OR ANY OTHER STATE WAIVER”; after line 25, insert:

“(D) INDIVIDUALS ELIGIBLE FOR SERVICES UNDER THE WAIVER DEVELOPED UNDER THIS SECTION AND A PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY APPROVED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES, MAY ELECT TO RECEIVE SERVICES UNDER THE WAIVER DEVELOPED UNDER THIS SECTION OR AN APPROVED PROGRAM FOR ALL-INCLUSIVE CARE FOR THE ELDERLY.”;

in lines 26 and 35, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”, respectively; in line 30, strike the second “REDUCING” and substitute “ENCOURAGING THE MOST APPROPRIATE”; and in line 35, strike “(1)”.

On page 6, strike in their entirety lines 3 through 5, inclusive; after line 5, insert:

“(G) THE MANAGED CARE ORGANIZATION SELECTED TO COORDINATE LONG-TERM SERVICES UNDER THE WAIVER DEVELOPED UNDER THIS SECTION SHALL:

(1) REIMBURSE NURSING HOMES AT THE RATE, ADJUSTED FOR THE CASE-MIX OF THE WAIVER SUBSCRIBER, DETERMINED BY THE DEPARTMENT FOR THE MEDICAL ASSISTANCE PROGRAM;

(2) REIMBURSE NURSING HOMES IN ACCORDANCE WITH THE DEPARTMENT’S POLICY ON LEAVE OF ABSENCE AS PROVIDED UNDER § 15-117 OF THIS SUBTITLE; AND

(3) REIMBURSE NURSING HOMES FOR A WAIVER SUBSCRIBER’S CARE IN A TIMELY MANNER.”;

in line 16, after “(d)” insert “(1)”; after line 17, insert:

“(1) (I) Develop assisted living programs for the elderly, in conjunction with any public or private profit or nonprofit corporation or any State or federal agency;”;

in line 18, strike “(2)” and substitute “(II)”; after line 26, insert:

“(3) (III) Find sponsors for assisted living programs;

“(4) (IV) Assist developers in formulating design concepts and meeting program needs;

“(5) (V) When necessary and in accordance with available funds, provide subsidies for congregate meals, housekeeping, and personal services for assisted living programs and develop eligibility requirements in connection with these subsidies;”;

in lines 27, 29, and 32, strike “(6)”, “(7)”, and “(8)”, respectively, and substitute “(VI)”, “(VII)”, and “(VIII)”, respectively; strike beginning with “REGARDLESS” in line 32 down through the first “LIVING” in line 34 and substitute “IF ADDITIONAL FUNDS ARE APPROPRIATED TO THE DEPARTMENT OF AGING FOR AN EXPANDED SENIOR ASSISTED LIVING SUBSIDY PROGRAM, PERMIT AN ASSISTED LIVING FACILITY, REGARDLESS OF THE NUMBER OF BEDS IN THE”.

On pages 6 and 7, strike in their entirety the lines beginning with line 36 on page 6 through line 5 on page 7, inclusive.

On page 7, in line 6, strike “3.” and substitute “2.”; in line 7, after “Hygiene” insert “and the Department of Aging”; after line 13, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene shall examine long-term care programs in other states that have level of care standards comparable to the level of care standards authorized under Section 1 of this Act to determine the fiscal impact of the services on the nursing home industry and medical day care in the other states, including nursing homes in the community-based waiver.

(b) The Department shall report its findings and recommendations to the General Assembly, in accordance with § 2-1246 of the State Government Article, on or before December 1, 2003.”.