Unofficial Copy O3 SB 228/02 - FIN 2003 Regular Session 3lr2108 CF 3lr0310

By: Delegates Frush, Healey, Barve, Bobo, Branch, Conroy, Conway, Eckardt, Goldwater, Gordon, Mandel, Moe, Oaks, Pendergrass, and

Taylor

Introduced and read first time: February 7, 2003 Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2

Medical Assistance Program - Employed Persons with Disabilities Program

3 FOR the purpose of requiring that the Medical Assistance Program include a certain

4 Employed Persons with Disabilities Program; specifying certain purposes for the

- 5 Employed Persons with Disabilities Program; establishing certain criteria for
- 6 eligibility to participate; establishing income levels for participation in the

7 Program; authorizing the Department to adopt certain regulations; requiring

8 the Department to establish a premium structure; specifying that failure to pay

9 a certain premium results in termination of eligibility, except under a certain

10 circumstance; authorizing the Department of Health and Mental Hygiene to

11 utilize certain collection procedures; requiring the Department of Health and

12 Mental Hygiene to make certain reports on or before a certain date each year;

13 requiring the Department to enroll participants by a certain date; requiring the

14 Department of Health and Mental Hygiene to submit a certain application by a

15 certain date and to provide a certain notice within a certain time; providing for16 the effective date of a certain portion of this Act, subject to a certain contingency;

requiring the Department of Health and Mental Hygiene, subject to a certain contingency

18 contingency, to adopt certain regulations by a certain time and in consultation

19 with certain individuals; providing for the termination of this Act under a

20 certain circumstance; and generally relating to the inclusion of the Employed

21 Persons with Disabilities Program under the Medical Assistance Program.

21 reisons with Disabilities riogram under the Meulcal Assistance rio

22 BY repealing and reenacting, without amendments,

- 23 Article Health General
- 24 Section 15-101(a) and (i)
- 25 Annotated Code of Maryland
- 26 (2000 Replacement Volume and 2002 Supplement)

27 BY adding to

- 28 Article Health General
- 29 Section 15-136
- 30 Annotated Code of Maryland

2	HOUSE BILL 630
1	(2000 Replacement Volume and 2002 Supplement)
2	Preamble
	WHEREAS, Many individuals with disabilities would like to work but cannot afford to enter the workforce because that would mean losing the necessary medical services they receive through Medicaid; and
8 (WHEREAS, The federal Ticket to Work and Work Incentives Improvement Act allows states to establish new Medicaid eligibility categories for working people with disabilities whose income or resources would otherwise make them ineligible for Medicaid; now, therefore,
10 11	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
12	Article - Health - General
13	15-101.
14	(a) In this title the following words have the meanings indicated.
15	(i) "Program" means the Maryland Medical Assistance Program.
16	15-136.
17 18	(A) THE PROGRAM SHALL INCLUDE AN EMPLOYED PERSONS WITH DISABILITIES PROGRAM.
	(B) THE PURPOSE OF THE EMPLOYED PERSONS WITH DISABILITIES PROGRAM IS TO PROVIDE THE OPPORTUNITY FOR INDIVIDUALS WITH DISABILITIES TO BE EMPLOYED AND TO QUALIFY FOR PROGRAM BENEFITS.
22 23	(C) AN INDIVIDUAL IS ELIGIBLE TO PARTICIPATE IN THE EMPLOYED PERSONS WITH DISABILITIES PROGRAM IF THE INDIVIDUAL:
24	(1) IS BETWEEN THE AGES OF 16 AND 64 YEARS OLD, INCLUSIVE;
25 26	(2) (I) IS DISABLED UNDER TITLE II OR TITLE XVI OF THE SOCIAL SECURITY ACT; OR
	(II) EXCEPT FOR PROVISIONS RELATING TO SUBSTANTIAL GAINFUL ACTIVITY, WOULD QUALIFY FOR SUPPLEMENTAL SECURITY INCOME OR SOCIAL SECURITY DISABILITY INSURANCE;
	(3) RECEIVES FINANCIAL COMPENSATION FOR EMPLOYMENT, WITH APPLICABLE PAYROLL WITHHOLDINGS FOR PAYMENT OF FEDERAL, STATE, AND LOCAL TAXES;

HOUSE BILL 630

1 (4) MEETS THE ASSET LIMITATIONS UNDER SUBSECTION (E) OF THIS 2 SECTION;

3 (5) MEETS THE FINANCIAL LIMITATIONS REQUIRED UNDER 4 SUBSECTION (F) OF THIS SECTION; AND

5 (6) IF APPLICABLE, PAYS THE PREMIUM REQUIRED UNDER SUBSECTION 6 (G) OF THIS SECTION.

7 (D) IN DETERMINING AN INDIVIDUAL'S INCOME UNDER SUBSECTION (F) OF 8 THIS SECTION, THE DEPARTMENT MAY NOT CONSIDER THE FOLLOWING:

9 (1) INCOME DISREGARDED FOR THE PURPOSE OF DETERMINING 10 ELIGIBILITY FOR THE MEDICAL ASSISTANCE, AGED, BLIND, AND DISABLED 11 CATEGORY UNDER COMAR 10.09.24; OR

12 (2) INCOME USED TO PAY FOR IMPAIRMENT-RELATED WORK EXPENSES.

13 (E) (1) AN INDIVIDUAL IS NOT ELIGIBLE FOR THE EMPLOYED PERSONS 14 WITH DISABILITIES PROGRAM IF THE INDIVIDUAL'S ASSETS EXCEED \$10,000.

15(2)IN DETERMINING AN INDIVIDUAL'S ASSETS UNDER PARAGRAPH (1)16OF THIS SUBSECTION, THE DEPARTMENT MAY NOT CONSIDER THE FOLLOWING:

17 (I) ASSETS DISREGARDED FOR THE PURPOSE OF DETERMINING
18 ELIGIBILITY FOR THE MEDICAL ASSISTANCE, AGED, BLIND, AND DISABLED
19 CATEGORY UNDER COMAR 10.09.24;

20 (II) MEDICAL SAVINGS ACCOUNTS AS DEFINED UNDER 26 U.S.C. 21 220;

(III) RETIREMENT ACCOUNTS, INCLUDING AN INDIVIDUAL
RETIREMENT ACCOUNT, A 401(K) PLAN, A 403(B) PLAN, A KEOGH PLAN, AND A
PENSION PLAN; OR

(IV) SUBJECT TO THE APPROVAL OF THE DEPARTMENT, ANY
SPECIAL FUND FOR THE PURCHASE OF GOODS OR SERVICES THAT SUBSTANTIALLY
INCREASE OR MAINTAIN THE INDIVIDUAL'S EMPLOYABILITY.

28 (F) (1) TO PARTICIPATE IN THE PROGRAM, AN INDIVIDUAL SHALL HAVE AN
29 ANNUAL GROSS INCOME OF NO GREATER THAN 300% OF THE FEDERAL POVERTY
30 GUIDELINES.

(2) (I) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF
 THIS SUBSECTION, THE DEPARTMENT MAY ADOPT REGULATIONS THAT ESTABLISH
 ADDITIONAL ELIGIBILITY CRITERIA IN ORDER TO CONTROL THE COST OF THE
 PROGRAM.

35(II)THE REGULATIONS ADOPTED UNDER SUBPARAGRAPH (I) OF36THIS PARAGRAPH MAY GIVE PRIORITY FOR ENROLLMENT TO INDIVIDUALS WITH:

3

HOUSE BILL 630

MONTHLY UNEARNED INCOME OF NO GREATER THAN

1 2 \$850; OR

2. MONTHLY EARNED INCOME OF NO GREATER THAN \$400.

4 (3) NOTWITHSTANDING PARAGRAPH (2) OF THIS SUBSECTION, THE
5 DEPARTMENT SHALL ACCELERATE MEASURES TO INCREASE PARTICIPATION IN THE
6 PROGRAM TO INDIVIDUALS WITH AN ANNUAL GROSS INCOME OF NO GREATER THAN
7 300% OF THE FEDERAL POVERTY GUIDELINES AS RESOURCES ALLOW.

8 (G) THE DEPARTMENT SHALL ESTABLISH A PREMIUM STRUCTURE.

1.

9 (1) FAILURE TO PAY A PREMIUM WHEN DUE SHALL RESULT IN 10 TERMINATION OF THE INDIVIDUAL'S ELIGIBILITY FOR PARTICIPATION IN THE 11 PROGRAM UNDER THIS SECTION, UNLESS THE INDIVIDUAL DEMONSTRATES GOOD 12 CAUSE FOR NONPAYMENT OR LATE PAYMENT.

13(2)THE DEPARTMENT MAY UTILIZE THE COLLECTION PROCEDURES14THAT THE DEPARTMENT DETERMINES TO BE APPROPRIATE.

15 (H) IF AN INDIVIDUAL HAS PRIVATE HEALTH INSURANCE, COVERAGE UNDER 16 THE PROGRAM IS SECONDARY.

17 (I) THE DEPARTMENT SHALL ENROLL PARTICIPANTS IN THE PROGRAM BY 18 JULY 2005.

(J) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT SHALL
 REPORT TO THE LEGISLATIVE POLICY COMMITTEE REGARDING THE DEVELOPMENT,
 IMPLEMENTATION, AND EFFICACY OF THE EMPLOYED PERSONS WITH DISABILITIES
 PROGRAM.

23 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,

24 2004, the Department of Health and Mental Hygiene shall submit to the Centers for

25 Medicare and Medicaid Services of the United States Department of Health and

26 Human Services an application to amend the State's existing Medical Assistance

27 Program so as to implement the Employed Persons with Disabilities Program.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the Department of

29 Health and Mental Hygiene, within 5 days after receipt of approval or denial by the

30 Centers for Medicare and Medicaid Services of the application for the Employed

31 Persons with Disabilities Program, shall forward a copy of the approval or denial to 32 the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401.

33 SECTION 4. AND BE IT FURTHER ENACTED, That:

34 (1) If the Centers for Medicare and Medicaid Services approves the
 35 application for implementation of the Employed Persons with Disabilities Program:

36 (i) Section 1 of this Act shall take effect 3 months after the date on 37 which the Centers for Medicare and Medicaid Services issues its approval; and

4

3

HOUSE BILL 630

1 (ii) Within 7 months of the date on which the Centers for Medicare

2 and Medicaid Services issues its approval, the Department of Health and Mental

3 Hygiene, in consultation with the Maryland Coalition for Work Incentive Program,

4 shall adopt regulations to implement the Employed Persons with Disabilities

5 Program; or

6 (2) If the Centers for Medicare and Medicaid Services denies the 7 application for implementation of the Employed Persons with Disabilities Program, 8 this Act, with no further action required by the General Assembly, shall be null and 9 void and of no further force and effect.

10 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in 11 Section 4 of this Act, this Act shall take effect July 1, 2003.

5