
By: **Delegate Hurson**

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medicaid Modernization Act of 2003**

3 FOR the purpose of establishing the Primary Adult Care Network within the Medical
4 Assistance Program; requiring the Secretary of Health and Mental Hygiene to
5 administer the Network as allowed by federal law or waiver; requiring the
6 Network, subject to certain limitations, to provide a certain health care benefit
7 package to certain adults; authorizing the Network to require certain cost
8 sharing from enrollees; authorizing the Network to enter into partnerships with
9 certain community entities; providing for the funding of the Network; requiring
10 the Secretary to adopt regulations to implement the Network; requiring the
11 Department to apply for a certain waiver to implement the Network; requiring
12 the waiver application to include certain information; making this Act, except
13 for a certain provision, subject to a certain contingency; defining a certain term;
14 and generally relating to the Primary Adult Care Network and the Medical
15 Assistance Program.

16 BY repealing and reenacting, without amendments,
17 Article - Health - General
18 Section 15-101(a) and (i)
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2002 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article - Health - General
23 Section 15-103(a)
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2002 Supplement)

26 BY adding to
27 Article - Health - General
28 Section 15-136
29 Annotated Code of Maryland
30 (2000 Replacement Volume and 2002 Supplement)

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

3 **Article - Health - General**

4 15-101.

5 (a) In this title the following words have the meanings indicated.

6 (i) "Program" means the Maryland Medical Assistance Program.

7 15-103.

8 (a) (1) The Secretary shall administer the Maryland Medical Assistance
9 Program.

10 (2) The Program:

11 (i) Subject to the limitations of the State budget, shall provide
12 [comprehensive] medical and other health care services for indigent individuals or
13 medically indigent individuals or both AS PROVIDED IN § 15-136 OF THIS TITLE;

14 (ii) Shall provide, subject to the limitations of the State budget,
15 comprehensive medical and other health care services for all eligible pregnant women
16 whose family income is at or below 250 percent of the poverty level, as permitted by
17 the federal law;

18 (iii) Shall provide, subject to the limitations of the State budget,
19 comprehensive medical and other health care services for all eligible children
20 currently under the age of 1 whose family income falls below 185 percent of the
21 poverty level, as permitted by federal law;

22 (iv) Shall provide, subject to the limitations of the State budget,
23 family planning services to women currently eligible for comprehensive medical care
24 and other health care under item (ii) of this paragraph for 5 years after the second
25 month following the month in which the woman delivers her child;

26 (v) Shall provide, subject to the limitations of the State budget,
27 comprehensive medical and other health care services for all children from the age of
28 1 year up through and including the age of 5 years whose family income falls below
29 133 percent of the poverty level, as permitted by the federal law;

30 (vi) Shall provide, subject to the limitations of the State budget,
31 comprehensive medical care and other health care services for all children [born after
32 September 30, 1983] who are at least 6 years of age but are under 19 years of age
33 whose family income falls below 100 percent of the poverty level, as permitted by
34 federal law;

35 (vii) Shall provide, subject to the limitations of the State budget,
36 comprehensive medical care and other health care services for all legal immigrants

1 who meet Program eligibility standards and who arrived in the United States before
2 August 22, 1996, the effective date of the federal Personal Responsibility and Work
3 Opportunity Reconciliation Act, as permitted by federal law;

4 (viii) Shall provide, subject to the limitations of the State budget and
5 any other requirements imposed by the State, comprehensive medical care and other
6 health care services for all legal immigrant children under the age of 18 years and
7 pregnant women who meet Program eligibility standards and who arrived in the
8 United States on or after August 22, 1996, the effective date of the federal Personal
9 Responsibility and Work Opportunity Reconciliation Act;

10 (ix) May include bedside nursing care for eligible Program
11 recipients; and

12 (x) Shall provide services in accordance with funding restrictions
13 included in the annual State budget bill.

14 (3) Subject to restrictions in federal law or waivers, the Department may
15 impose cost-sharing on Program recipients.

16 15-136.

17 (A) IN THIS SECTION, "NETWORK" MEANS THE PRIMARY ADULT CARE
18 NETWORK.

19 (B) (1) THERE IS A PRIMARY ADULT CARE NETWORK WITHIN THE PROGRAM.

20 (2) THE SECRETARY SHALL ADMINISTER THE NETWORK AS ALLOWED
21 BY FEDERAL LAW OR WAIVER.

22 (C) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND AS ALLOWED
23 BY FEDERAL LAW OR WAIVER, THE NETWORK SHALL PROVIDE A HEALTH CARE
24 BENEFIT PACKAGE OFFERING PRIMARY AND PREVENTIVE CARE FOR AN ADULT:

25 (1) WHOSE ANNUAL HOUSEHOLD INCOME IS AT OR BELOW 150% OF THE
26 FEDERAL POVERTY LEVEL; AND

27 (2) WHO LACKS HEALTH INSURANCE COVERAGE.

28 (D) (1) THE PROGRAM MAY REQUIRE COST SHARING AT REASONABLE
29 LEVELS.

30 (2) THE TOTAL COST SHARING AUTHORIZED UNDER PARAGRAPH (1) OF
31 THIS SUBSECTION MAY NOT EXCEED \$1,000 ANNUALLY.

32 (3) THE DEPARTMENT MAY REQUIRE AN ENROLLMENT FEE OF NO
33 GREATER THAN \$50.

34 (E) THE NETWORK MAY ENTER INTO PARTNERSHIPS WITH COMMUNITY
35 ENTITIES TO PROVIDE ADDITIONAL COVERAGE FOR NETWORK ENROLLEES.

1 (F) THE NETWORK SHALL BE FUNDED:

2 (1) AS PROVIDED IN THE STATE BUDGET; AND

3 (2) WITH FEDERAL MATCHING MONEY.

4 (G) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE
5 NETWORK.

6 SECTION 2. AND BE IT FURTHER ENACTED, That:

7 (a) (1) The Department of Health and Mental Hygiene shall seek approval
8 of a waiver from the Centers for Medicare and Medicaid Services that would allow the
9 State to use federal matching funds to implement the Primary Adult Care Network
10 established under § 15-136 of the Health - General Article.

11 (2) The waiver application shall include methods to merge the Maryland
12 Primary Care Program into the Primary Adult Care Network, while ensuring
13 continuity of benefits to enrollees in the Maryland Primary Care Program.

14 (b) If the Department is denied the waiver applied for under subsection (a) of
15 this section, the Department may not implement the program established under §
16 15-136 of the Health - General Article by this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall
18 take effect on the date that the federal Centers for Medicare and Medicaid Services
19 approves a waiver applied for in accordance with Section 2 of this Act. If the waiver is
20 denied, this Act shall be null and void without the necessity of further action by the
21 General Assembly. The Department of Health and Mental Hygiene, within 5 days
22 after receiving notice of approval or denial of a waiver, shall forward a copy of the
23 notice to the Department of Legislative Services, 90 State Circle, Annapolis,
24 Maryland 21401.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
26 Section 3 of this Act, this Act shall take effect July 1, 2003.