
By: **Delegates Anderson and Carter**

Introduced and read first time: February 7, 2003

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Medical Assistance - Day Care**
3 **Providers**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to
5 provide certain services through the Maryland Medical Assistance Program to a
6 certain day care provider; authorizing a certain day care provider and certain
7 children to receive certain services for a certain period of time; requiring the
8 Department to reassess certain eligibility at a certain time; authorizing a
9 certain day care provider to continue certain coverage for a certain period of
10 time under certain circumstances; terminating coverage for a certain day care
11 provider under certain circumstances; authorizing a certain day care provider to
12 reapply to the Program under certain circumstances; defining a certain term;
13 and generally relating to medical assistance for day care providers.

14 BY repealing and reenacting, without amendments,
15 Article - Family Law
16 Section 5-501(a), (d), (e), and (f)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Health - General
21 Section 15-101(a) and (i)
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2002 Supplement)

24 BY adding to
25 Article - Health - General
26 Section 15-136
27 Annotated Code of Maryland
28 (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 - Family Law**

4 5-501.

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

6 (d) "Day care provider" means the adult who has primary responsibility for
7 the operation of a family day care home.

8 (e) "Family day care" means the care given to a child under the age of 13 years
9 or to any developmentally disabled person under the age of 21 years, in place of
10 parental care for less than 24 hours a day, in a residence other than the child's
11 residence, for which the day care provider is paid.

12 (f) "Family day care home" means a residence in which family day care is
13 provided.

14 **Article - Health - General**

15 15-101.

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

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

18 15-136.

19 (A) IN THIS SECTION, "DAY CARE PROVIDER" HAS THE MEANING STATED IN §
20 5-501 OF THE FAMILY LAW ARTICLE.

21 (B) (1) THE DEPARTMENT SHALL PROVIDE COMPREHENSIVE MEDICAL AND
22 OTHER HEALTH CARE SERVICES THROUGH THE PROGRAM TO A DAY CARE PROVIDER
23 WHO:

24 (I) IS REGISTERED BY THE DEPARTMENT OF HUMAN RESOURCES
25 UNDER TITLE 5, SUBTITLE 5 OF THE FAMILY LAW ARTICLE;

26 (II) HAS RECEIVED CHILD CARE SUBSIDIES FROM THE PURCHASE
27 OF CARE PROGRAM OF AT LEAST \$1,800 FROM THE DEPARTMENT OF HUMAN
28 RESOURCES DURING A PERIOD OF 6 CONSECUTIVE MONTHS PRIOR TO APPLICATION
29 TO THE PROGRAM; AND

30 (III) DOES NOT HAVE ANY OTHER HEALTH INSURANCE COVERAGE.

31 (2) THE DAY CARE PROVIDER AND THE DAY CARE PROVIDER'S MINOR
32 CHILDREN WHO RESIDE WITH THE DAY CARE PROVIDER MAY RECEIVE SERVICES
33 THROUGH THE PROGRAM FOR A PERIOD OF 6 MONTHS.

1 (3) (I) THE DEPARTMENT SHALL REASSESS THE ELIGIBILITY OF THE
2 DAY CARE PROVIDER IN THE 5TH MONTH OF THE BENEFIT PERIOD.

3 (II) IF THE DAY CARE PROVIDER CONTINUES TO MEET THE
4 REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DAY CARE
5 PROVIDER MAY CONTINUE COVERAGE UNDER THE PROGRAM FOR AN ADDITIONAL
6 6-MONTH PERIOD.

7 (III) IF THE DAY CARE PROVIDER DOES NOT CONTINUE TO MEET
8 THE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION:

9 1. COVERAGE UNDER THE PROGRAM WILL TERMINATE AT
10 THE END OF THE 6-MONTH PERIOD; AND

11 2. THE DAY CARE PROVIDER MAY REAPPLY TO THE
12 PROGRAM WHENEVER THE DAY CARE PROVIDER AGAIN MEETS THE REQUIREMENTS
13 UNDER PARAGRAPH (1) OF THIS SUBSECTION.

14 (C) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE
15 PROVISIONS OF THIS SECTION.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 July 1, 2003.