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2003 Regular Session 3lr0005

By: Chairman, Finance Committee (By Request - Departmental - Health

and Mental Hygiene)

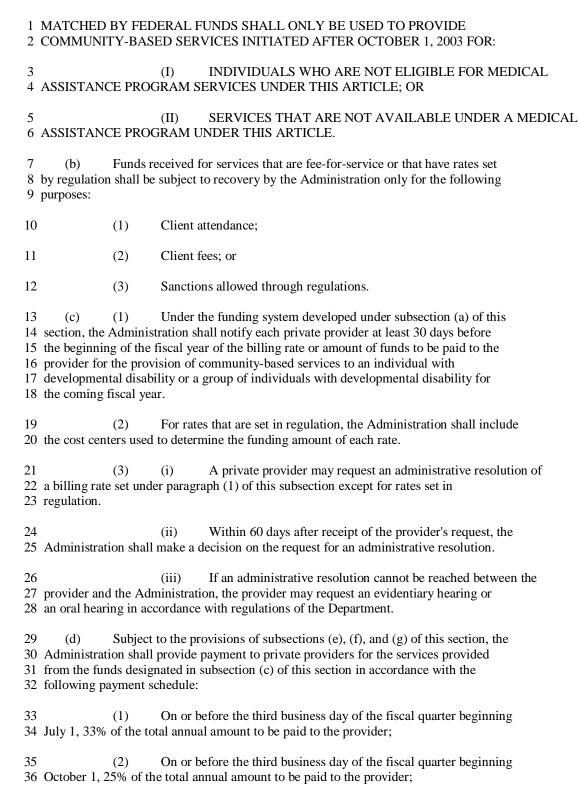
Introduced and read first time: January 27, 2003

Rules suspended Assigned to: Finance

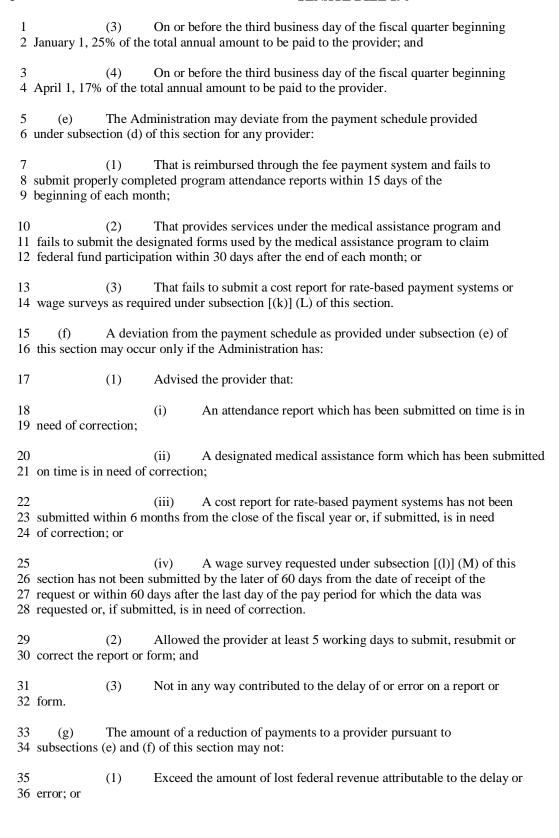
	A BILL ENTITLED
1	AN ACT concerning
2	Developmentally Disabled Individuals - Medical Assistance and Other Services - Eligibility
4 5 6 7 8 9 10	
12 13 14 15	Section 7-306.1, 7-403, and 7-404 Annotated Code of Maryland
17 18	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
19	Article - Health - General
20	7 206 1

20 7-306.1.

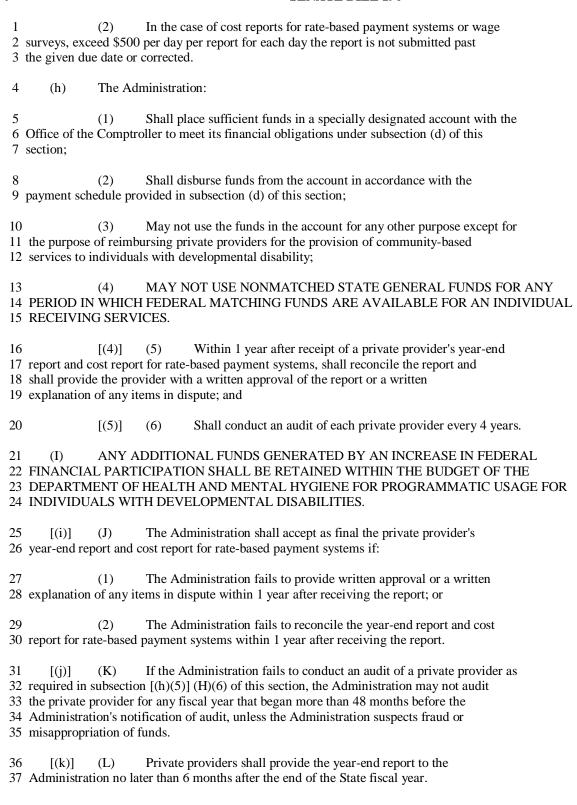
- The Administration shall develop and implement a funding system 21 (a) (1)
- 22 for the distribution of State funds to private providers that [are under contract]
- 23 HAVE A PROVIDER AGREEMENT with the Administration to provide
- 24 community-based services to individuals with disability in accordance with the State
- 25 plan.
- 26 (2) UNDER THE FUNDING SYSTEM DEVELOPED AND IMPLEMENTED
- 27 UNDER PARAGRAPH (1) OF THIS SUBSECTION, STATE GENERAL FUNDS THAT ARE NOT



SENATE BILL 190



SENATE BILL 190



1	[(1)]	(M)	Private p	providers shall submit to the Administration:			
2 3	after the end	(1) Cost reports for rate-based payment systems no later than 6 months fter the end of the State fiscal year; and					
4		(2)	Wage su	urveys by the later of:			
5 6	requested; or		(i)	60 days after the last day of the pay period for which the data is			
7 8	wage survey	informat	(ii) ion.	60 days after receipt of a request from the Administration for			
9	7-403.						
	(a) An applicant for services provided or funded, wholly or partly, by this State shall submit an application to the Department in writing. The application shall contain the information that the Department requires.						
13 14	(b) Within 60 days after the Department receives an application for services for an individual, the Secretary, on the basis of the application, shall:						
15 16	individual:	(1)	Determi	ne whether there is a reasonable likelihood that the			
17			(i)	Has developmental disability; or			
18 19	individual s	upport se	(ii) rvices un	Does not have developmental disability, but may be eligible for der subsection (c) of this section; and			
20 21	(1) of this su	(2) absection		tive determination is made under item (i) or (ii) of paragraph			
22			(i)	Approve the application;			
23			(ii)	Determine the nature of the disability;			
24 25	require;		(iii)	Determine the nature of services that the individual may			
26 27		ld be pro	(iv) vided wit	Determine the type of environment in which any needed the the least restriction on the liberty of the individual;			
28 29	requires;		(v)	Determine what types of evaluations, if any, the individual			
30			(vi)	Inform the individual of these determinations; and			
31 32	preliminary	and may	(vii) be subject	Inform the individual that these determinations are to modification as a result of further evaluation.			

3 4 5	ASSISTANO AND, WHE	AL WITH CE UNDI N APPRO	A DEVI ER THE I OPRIATE	E FOR SERVICES PROVIDED BY THE ADMINISTRATION, AN ELOPMENTAL DISABILITY SHALL APPLY FOR MEDICAL PROGRAM ESTABLISHED UNDER TITLE 15 OF THIS ARTICLE E, AS DETERMINED BY THE DEPARTMENT, SERVICES ND COMMUNITY-BASED WAIVER UNDER § 15-132 OF THIS				
7		(1)	IF POSS	SIBLE, BEFORE THE INITIATION OF SERVICES; OR				
8		(2)	NO LAT	TER THAN 30 DAYS AFTER THE INITIATION OF SERVICES.				
9 10	[(c)] a severe chr	(D) onic disal		igible for individual support services, an individual shall have ::				
	sole diagnos			ntable to a physical or mental impairment, other than the s, or to a combination of mental and physical				
14		(2)	Is likely	to continue indefinitely.				
			diagnosis	coretary determines, based on the application, that the sof mental disorder, the Secretary shall refer the ene Administration.				
18	7-404.							
21	(a) Before an individual whose application for services has been approved by the Secretary is accepted for services, the individual is required to receive an evaluation in accordance with the rules and regulations adopted under § 7-401(a)(1) of this subtitle.							
23 24	(b) of the evaluation			ny not accept an individual for services unless the results individual:				
25		(1)	Has dev	elopmental disability; or				
26 27	requirement	(2) s for indi		t have developmental disability, but does meet the eligibility pport services.				
30 31	(c) (1) From among the individuals whose applications for services have been approved and who have been found eligible for services as a result of the required evaluation, the Secretary shall determine in accordance with the rules and regulations adopted under § 7-401(a)(2) and (3) of this subtitle the nature, extent, and timing of the services to be provided to individuals.							
33 34	the Secretary	(2) y shall co		ng a determination under paragraph (1) of this subsection,				
35			(i)	The results of the required evaluation;				
36			(ii)	The needs of the individual; and				

- 1 (iii) The needs of the family unit of the applicant.
- 2 (3) AN INDIVIDUAL MAY NOT ACCESS SERVICES THAT ARE FUNDED BY
- 3 NONMATCHED STATE GENERAL FUNDS IF THE SAME SERVICES CAN BE FUNDED
- 4 UNDER THE MEDICAL ASSISTANCE PROGRAM, INCLUDING THE HOME AND
- 5 COMMUNITY-BASED WAIVER PROGRAM.
- 6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
- 7 effect October 1, 2003.