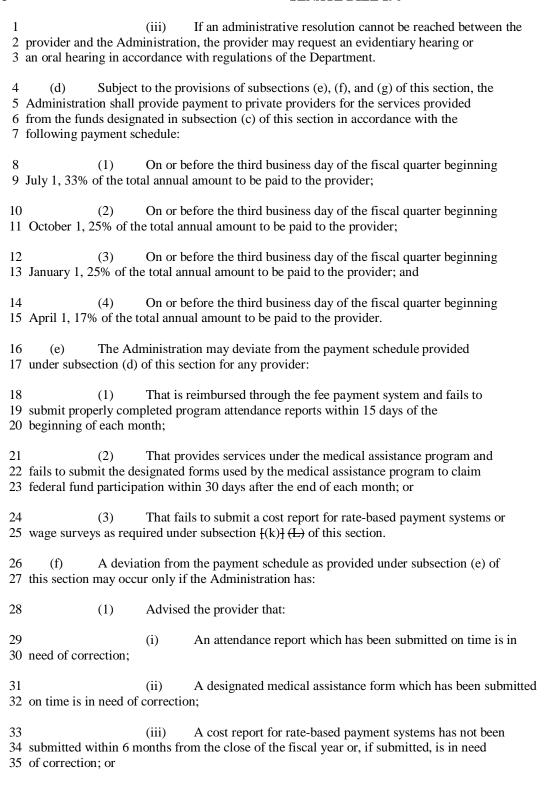
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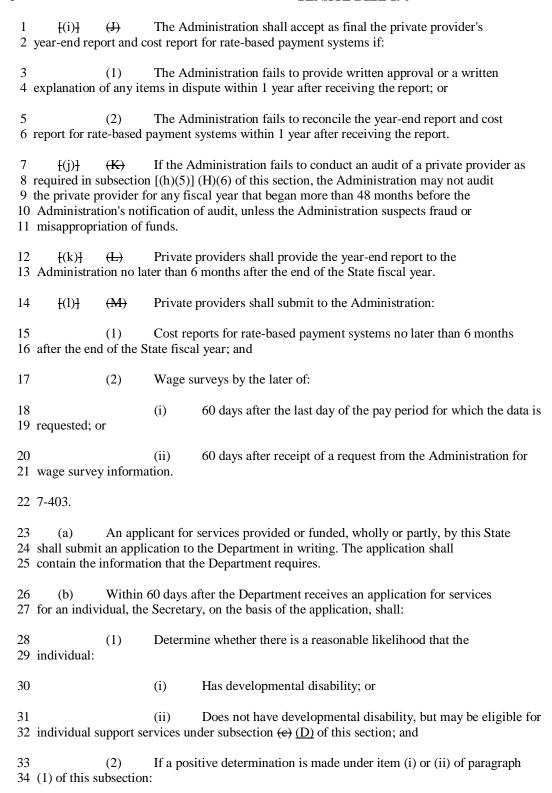
By: Chairman, Finance Committee (By Request - Departmental - Health and Mental Hygiene) Introduced and read first time: January 27, 2003 Rules suspended Assigned to: Finance								
Committee Report: Favorable with amendments								
Senate action: Adopted Read second time: February 19, 2003								
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CHAPTER								
1 AN ACT concerning								
Developmentally Disabled Individuals - Medical Assistance and Other Services - Eligibility								
4 FOR the purpose of requiring individuals with developmental disabilities to apply for 5 medical assistance and certain services; prohibiting the Developmental 6 Disabilities Administration from using certain funds for certain services under 7 certain circumstances; requiring certain State general funds to be used only to 8 provide community-based initiatives for certain developmentally disabled 9 individuals after a certain date; requiring stating the intent of the General 10 Assembly that certain federal funds to be retained by the Department of Health 11 and Mental Hygiene for certain usage; and generally relating to services 12 provided to individuals with developmental disabilities.								
13 BY repealing and reenacting, with amendments, 14 Article - Health - General 15 Section 7-306.1, 7-403, and 7-404 16 Annotated Code of Maryland 17 (2000 Replacement Volume and 2002 Supplement) 18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF								
19 MARYLAND, That the Laws of Maryland read as follows:								

1 Article - Health - General 2 7-306.1. 3 (a) The Administration shall develop and implement a funding system (1) 4 for the distribution of State funds to private providers that [are under contract] 5 HAVE A PROVIDER AGREEMENT with the Administration to provide 6 community-based services to individuals with disability in accordance with the State 7 plan. 8 UNDER THE FUNDING SYSTEM DEVELOPED AND IMPLEMENTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, STATE GENERAL FUNDS THAT ARE NOT 10 MATCHED BY FEDERAL FUNDS SHALL ONLY BE USED TO PROVIDE 11 COMMUNITY-BASED SERVICES INITIATED AFTER OCTOBER 1, 2003 FOR: 12 (I) INDIVIDUALS WHO ARE NOT ELIGIBLE FOR MEDICAL 13 ASSISTANCE PROGRAM SERVICES UNDER THIS ARTICLE; OR 14 SERVICES THAT ARE NOT AVAILABLE UNDER A MEDICAL (II)15 ASSISTANCE PROGRAM UNDER THIS ARTICLE. Funds received for services that are fee-for-service or that have rates set 16 17 by regulation shall be subject to recovery by the Administration only for the following purposes: 19 (1) Client attendance: 20 (2) Client fees; or 21 (3) Sanctions allowed through regulations. 22 (1) Under the funding system developed under subsection (a) of this (c) 23 section, the Administration shall notify each private provider at least 30 days before 24 the beginning of the fiscal year of the billing rate or amount of funds to be paid to the 25 provider for the provision of community-based services to an individual with 26 developmental disability or a group of individuals with developmental disability for 27 the coming fiscal year. 28 For rates that are set in regulation, the Administration shall include 29 the cost centers used to determine the funding amount of each rate. 30 A private provider may request an administrative resolution of (i) 31 a billing rate set under paragraph (1) of this subsection except for rates set in 32 regulation. 33 Within 60 days after receipt of the provider's request, the (ii)

34 Administration shall make a decision on the request for an administrative resolution.



3	request or wi	thin 60 d	ays after	A wage survey requested under subsection {(1)} (M) of this by the later of 60 days from the date of receipt of the the last day of the pay period for which the data was need of correction.
5 6	correct the re	(2) eport or fo		I the provider at least 5 working days to submit, resubmit or
7 8	form.	(3)	Not in a	ny way contributed to the delay of or error on a report or
9 10	(g) subsections			reduction of payments to a provider pursuant to section may not:
11 12	error; or	(1)	Exceed	the amount of lost federal revenue attributable to the delay or
	surveys, exc the given du		per day	ase of cost reports for rate-based payment systems or wage per report for each day the report is not submitted past d.
16	(h)	The Adr	ninistrati	on:
	Office of the section;	(1) e Comptro		ace sufficient funds in a specially designated account with the neet its financial obligations under subsection (d) of this
20 21	payment sch	(2) nedule pro		sburse funds from the account in accordance with the subsection (d) of this section;
			ırsing pri	use the funds in the account for any other purpose except for exact providers for the provision of community-based evelopmental disability;
	PERIOD IN RECEIVING		FEDER.	OT USE NONMATCHED STATE GENERAL FUNDS FOR ANY AL MATCHING FUNDS ARE AVAILABLE FOR AN INDIVIDUAL
30		e the prov	vider with	Within 1 year after receipt of a private provider's year-end based payment systems, shall reconcile the report and a written approval of the report or a written spute; and
32		[(5)]	(6)	Shall conduct an audit of each private provider every 4 years.
35	DEPARTM	L PARTI ENT OF	CIPATION HEALTI	NAL FUNDS GENERATED BY AN INCREASE IN FEDERAL ON SHALL BE RETAINED WITHIN THE BUDGET OF THE H AND MENTAL HYGIENE FOR PROGRAMMATIC USAGE FOR ELOPMENTAL DISABILITIES.



1		(i)	Approve the application;
2		(ii)	Determine the nature of the disability;
3	require;	(iii)	Determine the nature of services that the individual may
5 6	services could be prov	(iv) wided with	Determine the type of environment in which any needed h the least restriction on the liberty of the individual;
7 8	requires;	(v)	Determine what types of evaluations, if any, the individual
9		(vi)	Inform the individual of these determinations; and
10 11	preliminary and may	(vii) be subject	Inform the individual that these determinations are et to modification as a result of further evaluation.
14 15 16	INDIVIDUAL WITH ASSISTANCE UND AND, WHEN APPR	I A DEV ER THE OPRIAT	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
18	(1)	IF POSS	SIBLE, BEFORE THE INITIATION OF SERVICES; OR
19	(2)	NO LAT	TER THAN 30 DAYS AFTER THE INITIATION OF SERVICES.
20 21	[(c)] (D) a severe chronic disa		igible for individual support services, an individual shall have ::
	(1) sole diagnosis of mer impairments; and		utable to a physical or mental impairment, other than the s, or to a combination of mental and physical
25	(2)	Is likely	to continue indefinitely.
	[(d)] (E) individual has a sole individual to the Mer	diagnosis	scretary determines, based on the application, that the s of mental disorder, the Secretary shall refer the ene Administration.
29	7-404.		
32	the Secretary is accept	oted for se	dual whose application for services has been approved by ervices, the individual is required to receive an the rules and regulations adopted under § 7-401(a)(1)
34 35	(b) The Sec of the evaluation are		ny not accept an individual for services unless the results individual:

1	((1)	Has dev	elopmental disability; or				
2 3		(2) for indiv	Does not have developmental disability, but does meet the eligibility vidual support services.					
6 7	been approved required evalu- regulations ad	(1) From among the individuals whose applications for services have oved and who have been found eligible for services as a result of the valuation, the Secretary shall determine in accordance with the rules and s adopted under § 7-401(a)(2) and (3) of this subtitle the nature, extent, g of the services to be provided to individuals.						
9 10	the Secretary	(2) shall co		ng a determination under paragraph (1) of this subsection,				
11			(i)	The results of the required evaluation;				
12			(ii)	The needs of the individual; and				
13			(iii)	The needs of the family unit of the applicant.				
16	(3) AN INDIVIDUAL MAY NOT ACCESS SERVICES THAT ARE FUNDED BY NONMATCHED STATE GENERAL FUNDS IF THE SAME SERVICES CAN BE FUNDED UNDER THE MEDICAL ASSISTANCE PROGRAM, INCLUDING THE HOME AND COMMUNITY-BASED WAIVER PROGRAM.							
20 21	SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor retain any additional funds generated by an increase in federal financial participation under this Act, within the budget of the Department of Health and Mental Hygiene for programmatic use for individuals with developmental disabilities.							
23 24	SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2003.							