
By: **Senator Lawlah**

Introduced and read first time: February 21, 2005

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program - Rare and Expensive Case**
3 **Management Program**

4 FOR the purpose of establishing the Rare and Expensive Case Management (REM)
5 program in the Maryland Medical Assistance Program; requiring the Secretary
6 of Health and Mental Hygiene to exclude services provided under the REM
7 program from the Maryland Medicaid Managed Care Program except under
8 certain circumstances; requiring the REM program to provide certain services
9 and care for individuals eligible for the Maryland Medicaid Managed Care
10 Program who have certain rare and expensive conditions; authorizing certain
11 individuals to receive services through the REM program or through a managed
12 care organization; requiring the Department of Health and Mental Hygiene to
13 reimburse a health care provider who provides services through the REM
14 program in a certain manner; requiring the Secretary of Health and Mental
15 Hygiene to administer the REM program and to adopt certain regulations with
16 input from certain stakeholders; requiring the Secretary, in consultation with
17 the Department of Disabilities, to establish a certain work group to evaluate the
18 REM program in a certain manner; requiring the work group to make a certain
19 report on or before a certain date; and generally relating to the Rare and
20 Expensive Case Management program in the Maryland Medical Assistance
21 Program.

22 BY repealing and reenacting, without amendments,
23 Article - Health - General
24 Section 15-101(a) and (h) and 15-103(b)(1)
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2004 Supplement)

27 BY repealing and reenacting, with amendments,
28 Article - Health - General
29 Section 15-103(b)(4)
30 Annotated Code of Maryland
31 (2000 Replacement Volume and 2004 Supplement)

1 BY adding to
2 Article - Health - General
3 Section 15-142
4 Annotated Code of Maryland
5 (2000 Replacement Volume and 2004 Supplement)

6 Preamble

7 WHEREAS, The Rare and Expensive Case Management (REM) program
8 safeguards access to medically necessary care for Maryland's neediest and most
9 vulnerable people, the majority of whom are children and individuals with
10 developmental disabilities; and

11 WHEREAS, The REM program has reduced barriers to care, increased
12 coordination of services, improved access to highly specialized providers and delivery
13 systems, and improved quality of life for this fragile population; and

14 WHEREAS, It is proposed that the REM program be eliminated, thus negatively
15 impacting the access and services for this population; now, therefore,

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

18 **Article - Health - General**

19 15-101.

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

21 (h) "Program" means the Maryland Medical Assistance Program.

22 15-103.

23 (b) (1) As permitted by federal law or waiver, the Secretary may establish a
24 program under which Program recipients are required to enroll in managed care
25 organizations.

26 (4) (i) The Secretary may exclude specific populations or services from
27 the program developed under paragraph (1) of this subsection.

28 (ii) For any populations or services excluded under this paragraph,
29 the Secretary may authorize a managed care organization, to provide the services or
30 provide for the population, including authorization of a separate dental managed care
31 organization or a managed care organization to provide services to Program
32 recipients with special needs.

33 (III) EXCEPT AS OTHERWISE PROVIDED IN § 15-142 OF THIS
34 SUBTITLE, THE SECRETARY SHALL EXCLUDE SERVICES PROVIDED UNDER THE RARE
35 AND EXPENSIVE CASE MANAGEMENT PROGRAM ESTABLISHED UNDER § 15-142 OF

1 THIS SUBTITLE FROM THE PROGRAM DEVELOPED UNDER PARAGRAPH (1) OF THIS
2 SUBSECTION.

3 15-142.

4 (A) IN THIS SECTION, "REM PROGRAM" MEANS THE RARE AND EXPENSIVE
5 CASE MANAGEMENT PROGRAM.

6 (B) THERE IS A RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM IN THE
7 PROGRAM.

8 (C) THE REM PROGRAM SHALL PROVIDE CASE MANAGEMENT SERVICES AND
9 SUBSPECIALTY CARE FOR INDIVIDUALS WHO:

10 (1) ARE ELIGIBLE FOR THE MARYLAND MEDICAID MANAGED CARE
11 PROGRAM; AND

12 (2) HAVE RARE AND EXPENSIVE CONDITIONS.

13 (D) INDIVIDUALS WHO ARE DIAGNOSED WITH RARE AND EXPENSIVE
14 CONDITIONS MAY CHOOSE TO:

15 (1) PARTICIPATE IN THE REM PROGRAM ESTABLISHED UNDER THIS
16 SECTION; OR

17 (2) RECEIVE SERVICES THROUGH A MANAGED CARE ORGANIZATION
18 UNDER THE MARYLAND MEDICAID MANAGED CARE PROGRAM.

19 (E) THE DEPARTMENT SHALL REIMBURSE A HEALTH CARE PROVIDER WHO
20 PROVIDES SERVICES THROUGH THE REM PROGRAM ON A FEE-FOR-SERVICE BASIS.

21 (F) THE SECRETARY:

22 (1) SHALL ADMINISTER THE REM PROGRAM; AND

23 (2) WITH INPUT FROM STAKEHOLDERS IN THE REM PROGRAM, SHALL
24 ADOPT REGULATIONS TO IMPLEMENT THE REM PROGRAM.

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

26 (a) The Secretary of Health and Mental Hygiene, in consultation with the
27 Department of Disabilities, shall establish a work group to evaluate the Rare and
28 Expensive Case Management (REM) program to ensure its efficacy and to make
29 recommendations about the utilization of the program and how to improve the
30 program.

31 (b) In evaluating the REM program, the work group shall solicit input from,
32 and consult with, representatives of interested and affected parties, including
33 legislators, affected State agencies, current providers of case management under the
34 REM program, case managers, specialty care providers, individuals receiving services

1 through the program, and family members of individuals receiving services through
2 the program.

3 (c) The work group shall also provide input into the development of any
4 regulations needed to continue the REM program.

5 (d) The work group shall report its findings and recommendations to the
6 Governor and, in accordance with § 2-1246 of the State Government Article, to the
7 General Assembly on or before November 1, 2005.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 June 1, 2005.