

*ENROLLED BILL*  
-- Health and Government Operations/Finance --

Introduced by Chair, Health and Government Operations Committee (By  
**Request - Departmental - Health and Mental Hygiene) and Delegates**  
**Hammen, Goldwater, Barve, Benson, Boteler, Bromwell, Costa,**  
**Donoghue, Elliott, Frank, Hubbard, Kach, Kohl, Kullen, Mandel,**  
**McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass,**  
**Rudolph, V. Turner, and Weldon**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Kidney Disease Program -**  
3 **Medicare Part D Eligibility Requirements**

4 FOR the purpose of ~~authorizing~~ *requiring* the Department of Health and Mental  
5 Hygiene to require Kidney Disease Program recipients to apply for eligibility in  
6 the Medicare Part D Program, *the Medicare Part B Program, and the Maryland*  
7 *Medical Assistance Program except under certain circumstances*; and generally  
8 relating to the Kidney Disease Program ~~and Medicare Part D.~~

9 BY repealing and reenacting, without amendments,  
10 Article - Health - General  
11 Section 13-301 and 13-311

1 Annotated Code of Maryland  
2 (2005 Replacement Volume and 2005 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Health - General  
5 Section 13-312  
6 Annotated Code of Maryland  
7 (2005 Replacement Volume and 2005 Supplement)

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

10 **Article - Health - General**

11 13-301.

12 The Kidney Disease Program is a program in the Department for the purpose of  
13 providing funding of kidney disease treatment for qualified individuals who elect to  
14 enroll in the Program and agree to pay fees which are described in this subtitle.

15 13-311.

16 (a) The Department shall certify an individual as eligible for benefits under  
17 the Program if the Department determines that:

18 (1) The individual has chronic kidney disease as defined in the  
19 Commission's regulations; and

20 (2) The individual meets the residency, citizenship, and other  
21 nonmedical eligibility requirements established by the Department.

22 (b) (1) The certification of an individual under this section shall be for a  
23 period of 1 year.

24 (2) The certification is renewable after each 1-year period if the  
25 individual meets the requirements of subsection (a) of this section.

26 13-312.

27 (A) The EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE  
28 Department ~~may~~ SHALL require Program recipients to apply for eligibility in the  
29 Maryland Medical Assistance Program [and], the Medicare Part B Program, AND  
30 THE MEDICARE PART D PROGRAM within 60 days of notification to do so by the  
31 Department.

32 (B) THE DEPARTMENT MAY NOT REQUIRE PROGRAM RECIPIENTS TO APPLY  
33 FOR ELIGIBILITY IN THE MEDICARE PART B PROGRAM OR THE MEDICARE PART D  
34 PROGRAM IF THE DEPARTMENT DETERMINES THE PROGRAM RECIPIENT HAS  
35 COMPARABLE INSURANCE COVERAGE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
2 effect July 1, 2006.