

UNOFFICIAL COPY OF HOUSE BILL 1467  
EMERGENCY BILL

J1

(6lr3229)

**ENROLLED BILL**

-- Health and Government Operations/Finance and Budget and Taxation --

Introduced by **Delegates Hubbard, Rudolph, and Bobo Bobo, Malone, DeBoy, Barve, Benson, Boteler, Bromwell, Costa, Donoghue, Elliott, Frank, Hammen, Kach, Kohl, Kullen, Mandel, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, V. Turner, and Weldon**

Read and Examined by Proofreaders:

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

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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 **Maryland Cares**

3 FOR the purpose of establishing a Medicare Part D Stopgap Program in the  
4 Department of Aging ~~and the Department of Health and Mental Hygiene;~~  
5 establishing ~~eligibility for the purpose of the Program;~~ authorizing the Governor  
6 to ~~transfer by budget amendment certain funding from the Revenue~~  
7 ~~Stabilization Account for the Program~~ provide in the budget of the Department  
8 of Aging for a certain fiscal year a certain amount for a certain purpose;  
9 ~~requiring the Department of Health and Mental Hygiene to provide certain~~  
10 ~~authorization for payment to pharmacies and to provide certain reimbursement~~  
11 ~~to certain individuals and providers;~~ requiring certain local area agencies on  
12 aging to provide certain counseling and assistance to certain Medicare  
13 beneficiaries and to provide certain community outreach and education;  
14 requiring the Department of Aging to disseminate certain information in a

1 certain manner; requiring the Department of Health and Mental Hygiene to  
 2 collect certain data on health problems; requiring the Department of Aging and  
 3 the Department of Health and Mental Hygiene to collaborate in the collection of  
 4 certain data; requiring the Department of Aging to submit a certain request for  
 5 Department of Health and Mental Hygiene, in coordination with the  
 6 Department of Aging, to apply for certain federal reimbursement; providing that  
 7 certain federal reimbursement shall revert to the ~~Revenue Stabilization Account~~  
 8 General Fund; requiring the Department of Aging and the Department of  
 9 Health and Mental Hygiene to make certain reports on or before certain dates;  
 10 making this Act an emergency measure; providing for the termination of this  
 11 Act; declaring the intent of the General Assembly; and generally relating to a  
 12 Medicare Part D Stopgap Program in the Department of Aging.

13 ~~BY repealing and reenacting, without amendments,~~  
 14 ~~Article—State Finance and Procurement~~  
 15 ~~Section 7-311~~  
 16 ~~Annotated Code of Maryland~~  
 17 ~~(2001 Replacement Volume and 2005 Supplement)~~

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

20 **~~Article—State Finance and Procurement~~**

21 ~~7-311.~~

22 (a) (1) ~~In this section the following words have the meanings indicated.~~

23 (2) ~~"Account" means the Revenue Stabilization Account.~~

24 (3) ~~"Estimated General Fund revenues" means the estimated General~~  
 25 ~~Fund revenues stated in the annual report of the Board of Revenue Estimates~~  
 26 ~~submitted to the Governor under § 6-106 of this article.~~

27 (b) ~~The Revenue Stabilization Account is established to retain State revenues~~  
 28 ~~for future needs and reduce the need for future tax increases by moderating revenue~~  
 29 ~~growth.~~

30 (c) ~~The Account is a continuing, nonlapsing fund which is not subject to §~~  
 31 ~~7-302 of this subtitle.~~

32 (d) ~~The Account consists of:~~

33 (1) ~~moneys appropriated in the State budget to the Account; and~~

34 (2) ~~interest or other income earned from the investment of any portion of~~  
 35 ~~this Account or any other account in the State Reserve Fund.~~

36 (e) ~~Except as provided in subsection (f) of this section, for each fiscal year:~~

1           (1)     if the Account balance is below 3% of the estimated General Fund  
2 revenues for that fiscal year, the Governor shall include in the budget bill an  
3 appropriation to the Account equal to at least \$100,000,000; and

4           (2)     if the Account balance is at least 3% but less than 5% of the estimated  
5 General Fund revenues for that fiscal year, the Governor shall include in the budget  
6 bill an appropriation to the Account equal to at least the lesser of \$50,000,000 or  
7 whatever amount is required for the Account balance to exceed 5% of the estimated  
8 General Fund revenues for that fiscal year.

9           (f)     The appropriations required by subsection (e) of this section are not  
10 required when the Account balance exceeds 5% of the estimated General Fund  
11 revenues.

12          (g)     If authorized by an act of the General Assembly or specifically authorized  
13 in the State budget bill as enacted, the Governor may transfer funds from the Account  
14 to General Fund revenues.

15          (h)     If the budget bill as submitted to the General Assembly includes a transfer  
16 of funds from the Account pursuant to subsection (g) of this section, the budget bill as  
17 enacted by the General Assembly may provide for a reduction of the amount of the  
18 transfer from the Account by an amount up to the amount of the reductions made by  
19 the General Assembly in the General Fund appropriations.

20          (i)     Funds of the Account may only be transferred from the Account as  
21 provided in this section and are not subject to transfer by budget amendment.

22          (j)     (1)     Except as provided in paragraph (2) of this subsection and §  
23 13-209(g) of the Tax Property Article, for fiscal year 2007 and for each subsequent  
24 fiscal year, the Governor shall include in the budget bill an appropriation to the  
25 Account equal to the amount by which the unappropriated General Fund surplus as  
26 of June 30 of the second preceding fiscal year exceeds \$10,000,000.

27                 (2)     The appropriation required under this subsection for any fiscal year  
28 may be reduced by the amount of any appropriation to the Account required to be  
29 included for that fiscal year under subsection (e) of this section.

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

31          (a)     There is a Medicare Part D Stopgap Program in the Department of Aging  
32 and the Department of Health and Mental Hygiene.

33          (b)     The Program is for individuals who are eligible for Medicare Part D,  
34 including individuals with disabilities and individuals who are at least 65 years old.

35          (b)     The purpose of the Program is to assist Medicare beneficiaries, including  
36 beneficiaries with disabilities and beneficiaries who are at least 65 years old, in  
37 obtaining Medicare Part D benefits.

1 (c) (1) Notwithstanding § 7-311 of the State Finance and Procurement  
 2 Article, the Governor may transfer by budget amendment \$10,000,000 from the  
 3 Revenue Stabilization Account to the Department of Aging to:

4 (i) reimburse individuals, pharmacists, providers, and local  
 5 governments for pharmacy costs incurred from January 1, 2006, to June 30, 2006, as  
 6 a result of the implementation of Medicare Part D; and

7 (ii) ~~provide up to \$5,000,000~~ The Governor may provide in the fiscal  
 8 2007 budget of the Department of Aging \$2,000,000 for distribution to local area  
 9 agencies on aging for outreach, education, and counseling of individuals regarding  
 10 Medicare Part D.

11 (2) The appropriation ~~required~~ authorized under paragraph ~~(1)(ii)~~ (1) of  
 12 this subsection shall be apportioned by jurisdiction based on the latest census of:

13 (i) individuals who are eligible for Medicare Part D; and

14 (ii) the number of dually eligible individuals in the jurisdiction.

15 ~~(d) (1) The Department of Health and Mental Hygiene shall provide~~  
 16 ~~immediate authorization for payment to pharmacies for individuals for:~~

17 (i) ~~deductibles or co-payments that were inappropriately charged~~  
 18 ~~in excess of deductibles or co-payments that are authorized under the low income~~  
 19 ~~subsidy;~~

20 (ii) ~~the cost of a 30-day supply of medication not covered by the~~  
 21 ~~individual's formulary; and~~

22 (iii) ~~the cost of a 10-day supply of medication needed due to pending~~  
 23 ~~preauthorization.~~

24 ~~(2) The Program shall reimburse:~~

25 (i) ~~individuals enrolled in Medicare Part D for documented~~  
 26 ~~pharmacy costs incurred by the individual in excess of the deductible or copayment~~  
 27 ~~that should have been paid by the individual; and~~

28 (ii) ~~developmental disability providers, mental health providers,~~  
 29 ~~and long-term care providers for documented pharmacy costs incurred on behalf of~~  
 30 ~~individuals who are dually eligible for the Maryland Medical Assistance Program and~~  
 31 ~~Medicare Part D.~~

32 ~~(e)~~ (d) (1) A local area agency on aging or a designee of a local area agency  
 33 on aging that receives funding under the Program shall provide counseling and  
 34 assistance for Medicare beneficiaries, including individuals with disabilities and  
 35 individuals who are at least 65 years old.

36 (2) The counseling and assistance shall include:

- 1 (i) assistance in determining eligibility for Medicare Part D;
- 2 (ii) assistance in enrolling in Medicare Part D;
- 3 (iii) a pharmacy benefit checkup, as appropriate;
- 4 (iv) assessment of the need and eligibility for:
- 5 1. emergency pharmacy access;
- 6 2. the federal low-income subsidy; and
- 7 3. the Senior Prescription Drug Assistance Program; and
- 8 (v) assistance with any other problems related to the Medicare Part
- 9 D benefit.

10 (3) A local area agency on aging or a designee of a local area agency on

11 aging that receives funding under the Program shall provide community outreach and

12 education to encourage enrollment in Medicare Part D.

13 ~~(f)~~ (e) (1) The Department of Aging shall provide pharmacies and

14 Medicare beneficiaries with:

- 15 (i) local area agency on aging contact information for each
- 16 jurisdiction; and
- 17 (ii) a description of the assistance available from the local area
- 18 agencies on aging.

19 (2) The information in paragraph (1) of this subsection shall be available

20 on the websites of the Department of Aging and the Department of Health and Mental

21 Hygiene.

22 (3) The Department of Aging and the Department of Health and Mental

23 Hygiene shall disseminate through their websites, public service announcements, and

24 direct communications with providers, information about the toll-free telephone

25 number for reporting Medicare Part D problems, including problems obtaining

26 needed medications due to formulary and preauthorization restrictions.

27 (4) A local area agency on aging or its designee that receives funding

28 under the Program shall conduct a community outreach and education campaign that

29 includes the use of local media outlets to disseminate information about Medicare

30 Part D.

31 ~~(g)~~ (f) ~~The Department of Aging and the Department of Health and Mental~~

32 ~~Hygiene shall collaborate in the collection of statewide data on:~~

33 ~~(h)~~ (1) The Department of Health and Mental Hygiene shall collect

34 statewide data on health problems, including emergency room visits and

35 hospitalizations resulting from lapses or changes in medications;

1 (2) The Department of Aging and the Department of Health and Mental  
 2 Hygiene shall collaborate in the collection of statewide data on:

3 (i) the resolution of issues related to the implementation of  
 4 Medicare Part D; and

5 ~~(j)~~ (ii) problems obtaining needed medications due to formulary and  
 6 preauthorization restrictions.

7 ~~(h)~~ (g) (1) ~~The Department of Aging shall submit a request~~ The  
 8 Department of Health and Mental Hygiene, in coordination with the Department of  
 9 Aging, shall apply to the Centers for Medicare and Medicaid Services of the U.S.  
 10 Department of Health and Human Services for reimbursement of allowable  
 11 expenditures under the Program.

12 (2) Any federal reimbursement received by the State under paragraph  
 13 (1) of this subsection shall revert to the ~~Revenue Stabilization Fund established under~~  
 14 ~~§ 7-311 of the State Finance and Procurement Article~~ General Fund.

15 ~~(i)~~ (h) The Department of Aging and the Department of Health and Mental  
 16 Hygiene shall issue an interim report on or before ~~June 30, 2006~~ September 1, 2006,  
 17 and a final report on or before ~~September 30, 2006~~ June 30, 2007, to the Governor  
 18 and, in accordance with § 2-1246 of the State Government Article, the General  
 19 Assembly on:

20 (1) the data collected under subsection ~~(g)~~ (f) of this section; and

21 (2) the federal reimbursement requested under subsection ~~(h)~~ (g) of this  
 22 section.

23 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
 24 General Assembly that the Governor work with the National Governors Association to:

25 (1) relay the concerns of the State to the federal government regarding the  
 26 amount of federal money available for outreach and assistance on Medicare Part D;  
 27 and

28 (2) advocate for additional federal funding and reimbursement for state  
 29 outreach and education on Medicare Part D, including for federal reimbursement of  
 30 the funding provided for State outreach and assistance under this Act.

31 SECTION 3. ~~2.3.~~ AND BE IT FURTHER ENACTED, That this Act is an  
 32 emergency measure, is necessary for the immediate preservation of the public health  
 33 or safety, has been passed by a yea and nay vote supported by three-fifths of all the  
 34 members elected to each of the two Houses of the General Assembly, and shall take  
 35 effect from the date it is enacted. It shall remain effective until the end of ~~September~~  
 36 ~~30, 2006~~ June 30, 2007, and, with no further action required by the General Assembly,  
 37 this Act shall be abrogated and of no further force and effect.

