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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
15 certain manner; requiring the Department of Health and Mental Hygiene to
16 collect certain data on health problems; requiring the Department of Aging and
17 the Department of Health and Mental Hygiene to collaborate in the collection of
18 certain data; ~~requiring the Department of Aging to submit a certain request for~~
19 Department of Health and Mental Hygiene, in coordination with the
20 Department of Aging, to apply for certain federal reimbursement; providing that
21 certain federal reimbursement shall revert to the ~~Revenue Stabilization Account~~
22 General Fund; requiring the Department of Aging and the Department of
23 Health and Mental Hygiene to make certain reports on or before certain dates;
24 making this Act an emergency measure; providing for the termination of this
25 Act; and generally relating to a Medicare Part D Stopgap Program in the

1 Department of Aging.

2 ~~BY repealing and reenacting, without amendments,~~
 3 ~~Article—State Finance and Procurement~~
 4 ~~Section 7-311~~
 5 ~~Annotated Code of Maryland~~
 6 ~~(2001 Replacement Volume and 2005 Supplement)~~

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

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

10 ~~7-311.~~

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

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

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

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

19 (c) ~~The Account is a continuing, nonlapsing fund which is not subject to §~~
 20 ~~7-302 of this subtitle.~~

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

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

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

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

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

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

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

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

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

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

14 (j) (1) Except as provided in paragraph (2) of this subsection and §
15 13-209(g) of the Tax - Property Article, for fiscal year 2007 and for each subsequent
16 fiscal year, the Governor shall include in the budget bill an appropriation to the
17 Account equal to the amount by which the unappropriated General Fund surplus as
18 of June 30 of the second preceding fiscal year exceeds \$10,000,000.

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

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

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

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

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

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

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

36 (ii) provide up to \$5,000,000 The Governor may provide in the fiscal
37 2007 budget of the Department of Aging \$2,000,000 for distribution to local area

1 agencies on aging for outreach, education, and counseling of individuals regarding
2 Medicare Part D.

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

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

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

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

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

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

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

16 (2) The Program shall reimburse:

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

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

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

28 (2) The counseling and assistance shall include:

29 (i) assistance in determining eligibility for Medicare Part D;

30 (ii) assistance in enrolling in Medicare Part D;

31 (iii) a pharmacy benefit checkup, as appropriate;

32 (iv) assessment of the need and eligibility for:

33 1. emergency pharmacy access;

- 1 2. the federal low-income subsidy; and
- 2 3. the Senior Prescription Drug Assistance Program; and
- 3 (v) assistance with any other problems related to the Medicare Part
4 D benefit.

5 (3) A local area agency on aging or a designee of a local area agency on
6 aging that receives funding under the Program shall provide community outreach and
7 education to encourage enrollment in Medicare Part D.

8 (~~+~~) ~~(e)~~ (1) The Department of Aging shall provide pharmacies and
9 Medicare beneficiaries with:

10 (i) local area agency on aging contact information for each
11 jurisdiction; and

12 (ii) a description of the assistance available from the local area
13 agencies on aging.

14 (2) The information in paragraph (1) of this subsection shall be available
15 on the websites of the Department of Aging and the Department of Health and Mental
16 Hygiene.

17 (3) The Department of Aging and the Department of Health and Mental
18 Hygiene shall disseminate through their websites, public service announcements, and
19 direct communications with providers, information about the toll-free telephone
20 number for reporting Medicare Part D problems, including problems obtaining
21 needed medications due to formulary and preauthorization restrictions.

22 (4) A local area agency on aging or its designee that receives funding
23 under the Program shall conduct a community outreach and education campaign that
24 includes the use of local media outlets to disseminate information about Medicare
25 Part D.

26 (~~g~~) ~~(f)~~ ~~The Department of Aging and the Department of Health and Mental~~
27 ~~Hygiene shall collaborate in the collection of statewide data on:~~

28 ~~(+)~~ ~~(1)~~ ~~The Department of Health and Mental Hygiene shall collect~~
29 ~~statewide data on health problems, including emergency room visits and~~
30 ~~hospitalizations resulting from lapses or changes in medications;.~~

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

33 ~~(i)~~ the resolution of issues related to the implementation of
34 Medicare Part D; and

35 ~~(+)~~ ~~(ii)~~ problems obtaining needed medications due to formulary and
36 preauthorization restrictions.

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

6 (2) Any federal reimbursement received by the State under paragraph
7 (1) of this subsection shall revert to the ~~Revenue Stabilization Fund established under~~
8 ~~§ 7-311 of the State Finance and Procurement Article~~ General Fund.

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

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

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

17 SECTION ~~3-2.~~ AND BE IT FURTHER ENACTED, That this Act is an
18 emergency measure, is necessary for the immediate preservation of the public health
19 or safety, has been passed by a yea and nay vote supported by three-fifths of all the
20 members elected to each of the two Houses of the General Assembly, and shall take
21 effect from the date it is enacted. It shall remain effective until the end of ~~September~~
22 ~~30, 2006~~ June 30, 2007, and, with no further action required by the General Assembly,
23 this Act shall be abrogated and of no further force and effect.