
By: **Senators Hollinger, Colburn, Conway, Della, Gladden, Green, Grosfeld,
Hogan, McFadden, Pinsky, and Ruben**

Introduced and read first time: February 3, 2006

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program - Long-Term Care - Community**
3 **Choice Program - Participation, Location, and Termination**

4 FOR the purpose of providing that if the Department of Health and Mental Hygiene
5 establishes a certain community choice program, the program may not include
6 more than a certain number of participants, shall operate in a rural area of the
7 State, and shall serve a certain number of participants in its rural area of
8 operation; requiring the Department to notify the Department of Legislative
9 Services within a certain number of days after receiving notice of approval or
10 denial of a certain waiver; altering the termination date of a certain community
11 choice program; repealing certain provisions of law relating to a certain
12 community choice program; providing for the effective dates of this Act; and
13 generally relating to long-term care and the community choice program.

14 BY repealing and reenacting, without amendments,
15 Article - Health - General
16 Section 15-141(a)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2005 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article - Health - General
21 Section 15-141(b)
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2005 Supplement)

24 BY repealing
25 Article - Health - General
26 Section 15-132(i) and 15-141
27 Annotated Code of Maryland
28 (2005 Replacement Volume and 2005 Supplement)

1 BY repealing and reenacting, with amendments,
2 Article - Health - General
3 Section 15-132(j) and (k)
4 Annotated Code of Maryland
5 (2005 Replacement Volume and 2005 Supplement)

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

8 **Article - Health - General**

9 15-141.

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

11 (2) "Community care organization" means an organization approved by
12 the Department that arranges for health care services with the goal of promoting the
13 delivery of services in the most appropriate, cost-effective setting.

14 (3) "Community choice program" means a program that delivers services
15 in accordance with the waiver developed under this section.

16 (b) (1) On or before November 1, 2004, the Department shall apply for a
17 waiver under the federal Social Security Act.

18 (2) As permitted by federal law or waiver, the Secretary may establish a
19 program under which Medicaid program recipients are required to enroll in
20 community care organizations.

21 (3) Consistent with the federal waiver under paragraph (1) of this
22 subsection, if the Secretary establishes a program under paragraph (2) of this
23 subsection, the program:

24 (I) MAY NOT INCLUDE MORE THAN A TOTAL OF 10,000
25 PARTICIPANTS;

26 (II) may not operate in more than two areas of the State;

27 (III) SHALL OPERATE IN A RURAL AREA OF THE STATE; AND

28 (IV) SHALL SERVE IN ITS RURAL AREA OF OPERATION 30% OF THE
29 PROGRAM'S TOTAL NUMBER OF PARTICIPANTS OR 3,000 PARTICIPANTS, WHICHEVER
30 IS LESS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
32 read as follows:

1

Article - Health - General

2 15-132.

3 [(i) The proportion of individuals who qualify for medical assistance eligibility
4 under the waiver under subsection (b) of this section who are residents of areas of the
5 State described in § 15-141(b)(3) of this subtitle prior to implementation of the
6 Program described in § 15-141 of this subtitle shall remain the same after
7 implementation of the Program described in § 15-141 of this subtitle.]

8 [(j)] (I) The Department, in consultation with representatives of the
9 affected industry and advocates for waiver candidates, and with the approval of the
10 Department of Aging, shall adopt regulations to implement this section within 180
11 days of receipt of approval of the amended waiver application from the Centers for
12 Medicare and Medicaid Services of the United States Department of Health and
13 Human Services.

14 [(k)] (J) Subject to § 2-1246 of the State Government Article, the
15 Department shall report to the General Assembly every 6 months concerning the
16 status of the Department's application under subsections (b) and (d) of this section.

17 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 15-141 of the
18 Health - General Article of the Annotated Code of Maryland be repealed.

19 SECTION 4. AND BE IT FURTHER ENACTED, That within 5 days after
20 receiving notice of the approval or denial of the waiver applied for by the Department
21 of Health and Mental Hygiene under § 15-141(b)(1) of the Health - General Article,
22 the Department shall forward a copy of the notice to the Department of Legislative
23 Services, 90 State Circle, Annapolis, Maryland 21401. Notwithstanding Section 5 of
24 Chapter 4 of the Acts of the 2004 Special Session, if the waiver is approved, unless
25 further action is taken by the General Assembly, the program developed under §
26 15-141 of the Health - General Article shall terminate 2 years after the date the
27 waiver is approved.

28 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this
29 Act shall take effect on the earlier of the date the waiver applied for by the
30 Department of Health and Mental Hygiene under § 15-141(b)(1) of the Health -
31 General Article is denied or the date the program developed under § 15-141 of the
32 Health - General Article terminates under Section 4 of this Act.

33 SECTION 6. AND BE IT FURTHER ENACTED, That, except as provided in
34 Section 5 of this Act, this Act shall take effect June 1, 2006.