
By: **Senator Kelley**

Introduced and read first time: February 3, 2006

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2006

CHAPTER _____

1 AN ACT concerning

2 **Psychiatric Residential Treatment Demonstration Waiver Application**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to apply
 4 for a certain waiver under certain circumstances; requiring a certain waiver
 5 application to provide for services for a certain number of individuals; ~~providing~~
 6 ~~that certain funds shall be certified or otherwise provided by certain~~
 7 ~~departments~~ requiring the Department to conduct a certain analysis; requiring
 8 the Department to report to the General Assembly at certain times concerning
 9 the status of a certain application; requiring the Department to report to the
 10 General Assembly concerning the decision of the Department to implement the
 11 waiver if the waiver application is approved; and generally relating to a
 12 psychiatric residential treatment demonstration waiver.

13 BY adding to

14 Article - Health - General

15 Section 15-130.1

16 Annotated Code of Maryland

17 (2005 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 - Health - General**

21 15-130.1.

22 (A) THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE AND
 23 MEDICAID SERVICES OF THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN

1 SERVICES FOR A PSYCHIATRIC RESIDENTIAL TREATMENT DEMONSTRATION WAIVER
2 IF THE CENTERS ANNOUNCE IN THE FEDERAL REGISTER THAT THE CENTERS ARE
3 ACCEPTING APPLICATIONS FOR SUCH A WAIVER.

4 (B) THE WAIVER APPLICATION REQUIRED BY SUBSECTION (A) OF THIS
5 SECTION SHALL:

6 (1) PROVIDE FOR SERVICES FOR A MINIMUM OF 150 INDIVIDUALS; OR

7 (2) PROVIDE FOR SERVICES FOR THE MAXIMUM NUMBER OF
8 INDIVIDUALS THAT THE CENTERS FOR MEDICARE AND MEDICAID SERVICES
9 ALLOWS, IF THE MAXIMUM NUMBER OF INDIVIDUALS THAT THE CENTERS ALLOW TO
10 RECEIVE SERVICES UNDER THE WAIVER IS FEWER THAN 150 INDIVIDUALS.

11 ~~(C) THE STATE MATCHING FUNDS REQUIRED TO COVER THE MEDICAID COSTS~~
12 ~~UNDER THE WAIVER APPLICATION REQUIRED UNDER THIS SECTION SHALL BE~~
13 ~~CERTIFIED OR OTHERWISE PROVIDED BY THE MENTAL HYGIENE ADMINISTRATION~~
14 ~~IN THE DEPARTMENT, THE DEPARTMENT OF HUMAN RESOURCES, THE DEPARTMENT~~
15 ~~OF JUVENILE SERVICES, AND THE GOVERNOR'S OFFICE FOR CHILDREN.~~

16 (C) DURING THE WAIVER APPLICATION PROCESS, THE DEPARTMENT SHALL
17 CONDUCT AN ANALYSIS OF BOTH THE SHORT-TERM AND LONG-TERM COSTS AND
18 BENEFITS OF IMPLEMENTING THE WAIVER.

19 (D) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN
20 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, EVERY 6
21 MONTHS CONCERNING THE STATUS OF THE DEPARTMENT'S APPLICATION REQUIRED
22 UNDER THIS SECTION UNTIL THE WAIVER IS APPROVED OR DENIED.

23 (E) (1) IF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES APPROVE
24 THE WAIVER APPLICATION REQUIRED UNDER THIS SECTION, THE DEPARTMENT
25 SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE
26 STATE GOVERNMENT ARTICLE, ON ITS DECISION ON WHETHER TO IMPLEMENT THE
27 WAIVER.

28 (2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE
29 A SUMMARY OF THE ANALYSIS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

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

