
By: **Senator Forehand**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 15, 2006

Rules suspended

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program - Eligibility for Long-Term Care**
3 **Services - Individuals with Substantial Home Equity**

4 FOR the purpose of providing that an individual is not ineligible for nursing facility
5 services or other long-term care services under the Maryland Medical
6 Assistance Program unless the individual's equity interest in the individual's
7 home exceeds a certain amount; exempting certain individuals from
8 disqualification for long-term care services under certain circumstances;
9 requiring the Secretary of Health and Mental Hygiene to establish a certain
10 waiver process; providing for the construction and effectiveness of this Act;
11 requiring the Secretary to adopt certain regulations; providing for the
12 application of this Act; making this Act an emergency measure; and generally
13 relating to eligibility for long-term care services under the Maryland Medical
14 Assistance Program.

15 BY repealing and reenacting, without amendments,
16 Article - Health - General
17 Section 15-101(a) and (h)
18 Annotated Code of Maryland
19 (2005 Replacement Volume and 2005 Supplement)

20 BY adding to
21 Article - Health - General
22 Section 15-143
23 Annotated Code of Maryland
24 (2005 Replacement Volume and 2005 Supplement)

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

1 **Article - Health - General**

2 15-101.

3 (a) In this title the following words have the meanings indicated.

4 (h) "Program" means the Maryland Medical Assistance Program.

5 15-143.

6 (A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IN
7 DETERMINING ELIGIBILITY OF AN INDIVIDUAL FOR THE PROGRAM WITH RESPECT
8 TO NURSING FACILITY SERVICES OR OTHER LONG-TERM CARE SERVICES, THE
9 INDIVIDUAL IS NOT INELIGIBLE FOR NURSING FACILITY SERVICES OR OTHER
10 LONG-TERM CARE SERVICES UNDER THE PROGRAM UNLESS THE INDIVIDUAL'S
11 EQUITY INTEREST IN THE INDIVIDUAL'S HOME EXCEEDS \$750,000.

12 (2) THE DOLLAR AMOUNTS SPECIFIED IN PARAGRAPH (1) OF THIS
13 SUBSECTION SHALL BE INCREASED EACH YEAR BEGINNING IN 2011 BASED ON THE
14 PERCENTAGE INCREASE IN THE CONSUMER PRICE INDEX FOR ALL URBAN
15 CONSUMERS ROUNDED TO THE NEAREST \$1,000.

16 (B) SUBSECTION (A) OF THIS SECTION DOES NOT APPLY WITH RESPECT TO AN
17 INDIVIDUAL IF THE SPOUSE OF THE INDIVIDUAL, OR THE INDIVIDUAL'S CHILD WHO
18 IS UNDER THE AGE OF 21 YEARS OR WHO IS BLIND OR PERMANENTLY AND TOTALLY
19 DISABLED, IS LAWFULLY RESIDING IN THE INDIVIDUAL'S HOME.

20 (C) THE SECRETARY SHALL ESTABLISH A PROCESS BY WHICH SUBSECTION (A)
21 OF THIS SECTION MAY BE WAIVED IN THE CASE OF A DEMONSTRATED HARDSHIP.

22 (D) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT AN INDIVIDUAL
23 FROM USING A REVERSE MORTGAGE OR HOME EQUITY LOAN TO REDUCE THE
24 INDIVIDUAL'S TOTAL EQUITY INTEREST IN THE HOME.

25 (E) THIS SECTION IS EFFECTIVE ONLY TO THE EXTENT THAT ITS PROVISIONS
26 DO NOT CONFLICT WITH FEDERAL REQUIREMENTS FOR THE ADMINISTRATION OF
27 THE PROGRAM IN THE STATE.

28 (F) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS
29 SECTION.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
31 construed to apply retroactively and shall apply to individuals who are determined
32 eligible for the Maryland Medical Assistance Program with respect to nursing facility
33 services or other long-term care services based on an application filed on or after
34 January 1, 2006.

35 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
36 measure, is necessary for the immediate preservation of the public health or safety,
37 has been passed by a ye and nay vote supported by three-fifths of all the members

- 1 elected to each of the two Houses of the General Assembly, and shall take effect from
- 2 the date it is enacted.