

HOUSE BILL 796

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CF SB 630

By: **Delegates Kullen, Benson, Costa, Hubbard, Mizeur, and Montgomery**
Introduced and read first time: February 9, 2007
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Community Choice Program**
3 **Excluded Populations**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to exclude
5 from the community choice program a certain population under certain
6 circumstances; providing that the community choice program does not include
7 certain adults under certain circumstances; and generally relating to excluded
8 populations from the community choice program.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 15–141(a) and (b)
12 Annotated Code of Maryland
13 (2005 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 15–141(d) and (i)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2006 Supplement)

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

21 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15–141.

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

3 (2) “Community care organization” means an organization approved
4 by the Department that arranges for health care services with the goal of promoting
5 the delivery of services in the most appropriate, cost–effective setting.

6 (3) “Community choice program” means a program that delivers
7 services in accordance with the waiver developed under this section.

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

10 (2) As permitted by federal law or waiver, the Secretary may establish
11 a program under which Maryland Medical Assistance Program recipients are required
12 to enroll in community care organizations.

13 (3) Consistent with the federal waiver under paragraph (1) of this
14 subsection, if the Secretary establishes a program under paragraph (2) of this
15 subsection, the program may not operate in more than two areas of the State.

16 (d) (1) The benefits provided by the community choice program shall
17 include those services available under the Medicaid State Plan and services covered
18 under home and community–based services waivers.

19 (2) Except when services are limited or excluded from the community
20 choice program by the Secretary, the community care organization shall provide all
21 the services established in regulation and required by the Secretary.

22 (3) **(I) THE SECRETARY SHALL EXCLUDE THE POPULATION**
23 **DESCRIBED IN SUBSECTION (1)(2) OF THIS SECTION UNLESS AN INDIVIDUAL**
24 **CHOOSES TO BE INCLUDED IN THE COMMUNITY CHOICE PROGRAM.**

25 **(II)** The Secretary may exclude specific **OTHER** populations.

26 (4) The Secretary shall include a definition of “medical necessity” in its
27 quality and access standards.

28 (5) Nothing in the community choice program may preclude a nursing
29 home from utilizing an institutional pharmacy of its own choice for the provision of
30 institutional pharmacy services and benefits for waiver enrollees in the nursing home.

1 (i) **(1)** [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
2 **SUBSECTION, THE** community choice program shall include:

3 [(1)] **(I)** Adults who are dually eligible;

4 [(2)] **(II)** Adult Maryland Medical Assistance Program recipients who
5 meet the nursing home level of care standard; and

6 [(3)] **(III)** Maryland Medical Assistance Program recipients over 65
7 years of age.

8 **(2)** **THE COMMUNITY CHOICE PROGRAM MAY NOT INCLUDE**
9 **ADULTS WHO MEET THE ENROLLMENT CRITERIA FOR THE LIVING AT HOME**
10 **WAIVER, UNLESS THE ADULT WHO MEETS THE CRITERIA CHOOSES TO ENROLL**
11 **IN THE COMMUNITY CHOICE PROGRAM.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 June 1, 2007.