

HOUSE BILL 1238

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71r3008

By: **Delegate Mizeur**

Introduced and read first time: February 21, 2007

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Coverage Appeals Fairness Act**

3 FOR the purpose of providing that applicants or recipients under the Maryland
4 Medical Assistance Program, or a waiver program under the Medical Assistance
5 Program, are entitled to direct judicial review of a decision concerning
6 eligibility, benefits, or services under certain circumstances; providing that
7 applicants or recipients under the Maryland Children's Health Program are
8 entitled to direct judicial review of a decision concerning eligibility, benefits, or
9 services under certain circumstances; and generally relating to appeals under
10 the Maryland Medical Assistance Program, a waiver program under the
11 Medical Assistance Program, or the Maryland Children's Health Program.

12 BY adding to

13 Article – Health – General

14 Section 15–144 and 15–305

15 Annotated Code of Maryland

16 (2005 Replacement Volume and 2006 Supplement)

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

19 **Article – Health – General**

20 **15–144.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) AN APPLICANT OR RECIPIENT WHO IS AGGRIEVED BY A FINAL**
2 **DECISION OF THE SECRETARY IN A CONTESTED CASE CONCERNING ELIGIBILITY**
3 **FOR THE PROGRAM UNDER § 15-103 OF THIS SUBTITLE OR FOR A BENEFIT OR**
4 **SERVICE AVAILABLE UNDER THE PROGRAM:**

5 **(1) IS NOT REQUIRED TO SEEK ADMINISTRATIVE REVIEW BY THE**
6 **BOARD OF REVIEW OF THE DEPARTMENT UNDER § 2-206 OF THIS ARTICLE;**
7 **AND**

8 **(2) IS ENTITLED TO DIRECT JUDICIAL REVIEW OF THE DECISION**
9 **IN ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE.**

10 **(B) AN APPLICANT OR RECIPIENT WHO IS AGGRIEVED BY A FINAL**
11 **DECISION OF THE SECRETARY IN A CONTESTED CASE CONCERNING ELIGIBILITY**
12 **FOR A WAIVER PROGRAM UNDER THE MEDICAL ASSISTANCE PROGRAM OR FOR**
13 **A SERVICE OR BENEFIT AVAILABLE UNDER A WAIVER PROGRAM:**

14 **(1) IS NOT REQUIRED TO SEEK ADMINISTRATIVE REVIEW BY THE**
15 **BOARD OF REVIEW OF THE DEPARTMENT UNDER § 2-206 OF THIS ARTICLE;**
16 **AND**

17 **(2) IS ENTITLED TO DIRECT JUDICIAL REVIEW OF THE DECISION**
18 **IN ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE.**

19 **15-305.**

20 **AN APPLICANT OR RECIPIENT WHO IS AGGRIEVED BY A FINAL DECISION**
21 **OF THE SECRETARY IN A CONTESTED CASE CONCERNING ELIGIBILITY FOR THE**
22 **MARYLAND CHILDREN’S HEALTH PROGRAM UNDER §§ 15-301 AND 15-301.1**
23 **OF THIS SUBTITLE OR A BENEFIT OR SERVICE AVAILABLE UNDER THE**
24 **MARYLAND CHILDREN’S HEALTH PROGRAM:**

25 **(1) IS NOT REQUIRED TO SEEK ADMINISTRATIVE REVIEW BY THE**
26 **BOARD OF REVIEW OF THE DEPARTMENT UNDER § 2-206 OF THIS ARTICLE;**
27 **AND**

28 **(2) IS ENTITLED TO DIRECT JUDICIAL REVIEW OF THE DECISION**
29 **IN ACCORDANCE WITH § 10-222 OF THE STATE GOVERNMENT ARTICLE.**

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