

SENATE BILL 197

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SB 1091/06 – FIN

71r1202

By: **Senators Forehand, Garagiola, and Jacobs**
Introduced and read first time: January 26, 2007
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; and generally relating to eligibility for long-term care
13 services under the Maryland Medical Assistance Program.

14 BY repealing and reenacting, without amendments,
15 Article – Health – General
16 Section 15–101(a) and (h)
17 Annotated Code of Maryland
18 (2005 Replacement Volume and 2006 Supplement)

19 BY adding to
20 Article – Health – General
21 Section 15–144
22 Annotated Code of Maryland
23 (2005 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 15–101.

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

6 (h) “Program” means the Maryland Medical Assistance Program.

7 15–144.

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

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

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

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

27 (D) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT AN
28 INDIVIDUAL FROM USING A REVERSE MORTGAGE OR HOME EQUITY LOAN TO
29 REDUCE THE INDIVIDUAL’S TOTAL EQUITY INTEREST IN THE HOME.

1 **(E) THIS SECTION IS EFFECTIVE ONLY TO THE EXTENT THAT ITS**
2 **PROVISIONS DO NOT CONFLICT WITH FEDERAL REQUIREMENTS FOR THE**
3 **ADMINISTRATION OF THE PROGRAM IN THE STATE.**

4 **(F) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
5 **SECTION.**

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
7 individuals who are determined eligible for the Maryland Medical Assistance Program
8 with respect to nursing facility services or other long-term care services based on an
9 application filed on or after the effective date of this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2007.