

HOUSE BILL 113

J1, O2

9lr0883

By: ~~Delegates Hubbard and Hammen~~, **Hammen, and Oaks**

Introduced and read first time: January 22, 2009

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 24, 2009

CHAPTER _____

1 AN ACT concerning

2 ~~Interagency Committee on Aging Services – Modifications~~
3 **Department of Health and Mental Hygiene – Long-Term Care Supports and**
4 **Services – Report**

5 FOR the purpose of ~~altering the membership of the Interagency Committee on Aging~~
6 ~~Services; requiring the Interagency Committee to report on certain~~
7 ~~recommendations to the General Assembly on or before a certain date; requiring~~
8 ~~the Interagency Committee to create certain subcommittees, review certain~~
9 ~~plans and reports, and identify certain service needs of seniors and adults with~~
10 ~~disabilities in the State; altering the information to be included in a certain~~
11 ~~annual report; making technical changes; and generally relating to the~~
12 ~~Interagency Committee on Aging Services~~ requiring the Secretary of Health and
13 Mental Hygiene to submit certain reports to the General Assembly on or before
14 certain dates; providing for the purpose of a certain program; requiring the
15 Secretary to convene a certain stakeholder group and provide for a certain
16 stakeholder process; providing for the membership of a certain stakeholder
17 group; and generally relating to the Department of Health and Mental Hygiene
18 and a report on long-term care supports and services.

19 ~~BY repealing and reenacting, without amendments,~~
20 ~~Article – Human Services~~
21 ~~Section 10-301 and 10-309~~
22 ~~Annotated Code of Maryland~~
23 ~~(2007 Volume and 2008 Supplement)~~

24 ~~BY repealing and reenacting, with amendments,~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Article — Human Services~~
~~Section 10-302, 10-303, 10-304, 10-306, and 10-310~~
~~Annotated Code of Maryland~~
~~(2007 Volume and 2008 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
MARYLAND, That:

(a) The Secretary of Health and Mental Hygiene shall submit to the General Assembly an interim report on or before December 1, 2009, and a final report on or before December 1, 2010, in accordance with § 2-1246 of the State Government Article, on the feasibility of creating a coordinated care program to reform the provision of long-term care services under the Medical Assistance program and other State programs in a manner that improves and integrates the care of individuals, including health care services, designed as necessary to meet the differing needs of seniors and adults with disabilities in the State.

(b) The purpose of the program created under subsection (a) of this section is to:

(1) deliver high-quality long-term care supports and services in a coordinated and integrated manner;

(2) deliver long-term care supports and services in the most appropriate care setting to meet the needs and preferences of eligible individuals;

(3) remove systemic and individual barriers to receiving care in home- and community-based settings, as preferred by the individual; and

(4) ensure that, if the State plans to manage long-term care through at-risk contracts, the carve-out of mental health services and hospice services are implemented as required by Chapter 4 of the Acts of the General Assembly of the 2004 Special Session.

(c) In developing the interim report required under subsection (a) of this section, the Secretary shall conduct a literature review of the items included in subsection (d)(2)(i) of this section and the process for convening the stakeholders required under subsection (d)(1) of this section.

(d) In developing the final report required under subsection (a) of this section, the Secretary shall:

(1) convene a group of stakeholders both public and private and representatives of interested and affected parties as provided under subsection (e) of this section, to evaluate and make recommendations consistent with the requirements of this Act; and

1 (2) provide for a stakeholder process to develop recommendations for a
2 coordinated care program consistent with the purpose of this section that includes a
3 review of:

4 (i) long-term plans, consensus reports, experiences, and best
5 practices of the State and other states, relating to the management and coordination of
6 long-term care supports and services, including mental health and behavioral health
7 supports and services for individuals outside of the public mental health system,
8 under the Medical Assistance program and other State programs, including programs
9 that have carved out nursing home services, programs or plans that are administered
10 within a State agency or by an independent entity, and the Community Choice
11 Advisory Group's consensus recommendations;

12 (ii) the Department's plan for evaluating the existing home-
13 and community-based services infrastructure, including:

14 1. identifying the projected need and cost for additional
15 services adequate to support the needs of the population, including strategies to
16 encourage the development of the additional services;

17 2. utilizing funds from the American Recovery and
18 Reinvestment Act of 2009, to the extent practicable;

19 3. considering whether to pursue a pilot or statewide
20 program; and

21 4. identifying any other areas in which the service needs
22 of seniors and adults with disabilities in the State should be addressed, including
23 streamlined electronic eligibility determinations and electronic billing components;
24 and

25 (iii) whether a federal waiver is necessary to create a
26 coordinated care program and, if so, the type of waiver that should be sought.

27 (e) The stakeholder group required under subsection (d)(1) of this section
28 shall include:

29 (1) legislators;

30 (2) affected State agencies;

31 (3) providers with experience in dementia, geriatrics, end-of-life care,
32 mental health, and disabilities in younger adults;

33 (4) long-term care providers;

34 (5) managed care organizations;

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1 (6) acute care providers;

2 (7) lay care providers;

3 (8) advocates for individuals receiving long-term care or community
4 services; and

5 (9) consumers.

6 (f) The Department shall include, in the final report required under
7 subsection (a) of this section, draft legislation for approval by the General Assembly
8 that would enact the consensus recommendations developed through the stakeholder
9 process under this section and a timeframe for submitting a federal waiver, if
10 necessary.

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

13 ~~**Article – Human Services**~~

14 ~~10-301.~~

15 ~~There is an Interagency Committee on Aging Services in the Executive~~
16 ~~Department.~~

17 ~~10-302.~~

18 ~~(a) The Interagency Committee consists of the following members:~~

19 ~~(1) the Secretary of Aging;~~

20 ~~(2) the Secretary of Disabilities;~~

21 ~~(3) the Secretary of Health and Mental Hygiene;~~

22 ~~(4) the Secretary of Housing and Community Development;~~

23 ~~(5) the Secretary of Human Resources;~~

24 ~~(6) the Secretary of Labor, Licensing, and Regulation;~~

25 ~~(7) the Secretary of Transportation;~~

26 ~~(8) THE SECRETARY OF BUSINESS AND ECONOMIC~~
27 ~~DEVELOPMENT;~~

1 ~~(9) THE SECRETARY OF HIGHER EDUCATION;~~

2 ~~(10) THE SECRETARY OF BUDGET AND MANAGEMENT;~~

3 ~~[(8)](11) a representative from an area agency appointed by the~~
4 ~~Governor from a list submitted by the Maryland Association of Area Agencies on~~
5 ~~Aging; and~~

6 ~~[(9)](12) a member of the public appointed by the Governor.~~

7 (b) ~~(1) The term of a member appointed by the Governor under subsection~~
8 ~~[(a)(8) or (9)] (A)(11) OR (12) of this section is 2 years.~~

9 ~~(2) A member appointed by the Governor under subsection [(a)(8) or~~
10 ~~(9)] (A)(11) OR (12) of this section may not be reappointed for more than 2 additional~~
11 ~~terms.~~

12 ~~10-303.~~

13 ~~The Governor shall appoint the chair of the Interagency Committee from among~~
14 ~~the members listed in § 10-302(a)(1) through [(7)](10) of this subtitle.~~

15 ~~10-304.~~

16 (a) ~~(1) An Executive Director shall serve as the principal staff of the~~
17 ~~Interagency Committee.~~

18 ~~(2) The Executive Director shall be an employee of the Department.~~

19 (b) ~~Each member of the Interagency Committee listed in § 10-302(a)(1)~~
20 ~~through [(7)](10) of this subtitle shall designate an employee as liaison with the~~
21 ~~Executive Director to:~~

22 ~~(1) implement policies of the Interagency Committee; and~~

23 ~~(2) monitor the expenditure of funds to serve seniors.~~

24 ~~10-306.~~

25 (a) ~~(1) The Interagency Committee shall develop and update annually a~~
26 ~~plan for providing coordinated health services, social services, transportation, housing,~~
27 ~~and employment services to seniors in the State consistent with the priorities that the~~
28 ~~Department establishes.~~

29 ~~(2) If the members of the Interagency Committee cannot agree on a~~
30 ~~plan, the chair shall refer the matter to the Governor for resolution.~~

~~(b) Annually on or before a date that the Governor sets, the Interagency Committee shall develop and present to the Governor and the General Assembly a consolidated operating budget for services to seniors that:~~

~~(1) sets forth the relevant portions of the operating budget of any unit responsible for services to seniors; and~~

~~(2) is consistent with the plan developed under subsection (a) of this section.~~

~~(c) The Interagency Committee shall establish interagency agreements and adopt regulations to:~~

~~(1) implement and coordinate services to seniors consistent with the plan developed under subsection (a) of this section;~~

~~(2) maximize the sharing of resources among units of State government for services to seniors;~~

~~(3) consolidate planning and evaluation efforts at the State and local levels; and~~

~~(4) coordinate and expedite the delivery of services to seniors by providing technical assistance to local agencies.~~

~~(d) (1) The Interagency Committee shall assist county agencies to establish local interagency committees composed of:~~

~~(i) the directors of the local health department, local department of social services, and area agency; and~~

~~(ii) officials from housing, transportation, mental health, employment, and economic development agencies.~~

~~(2) Local interagency committees shall coordinate and expedite the delivery of services to seniors at the local level.~~

~~(E) (1) ON OR BEFORE JANUARY 1, 2010, THE INTERAGENCY COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON CONSENSUS RECOMMENDATIONS TO REFORM THE PROVISION OF MEDICAL ASSISTANCE PROGRAM LONG TERM CARE SERVICES, INCLUDING HEALTH SERVICES, DESIGNED AS NECESSARY TO MEET THE DIFFERING NEEDS OF SENIORS AND ADULTS WITH DISABILITIES IN THE STATE.~~

~~(2) IN DEVELOPING THE RECOMMENDATIONS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE INTERAGENCY COMMITTEE SHALL:~~

1 ~~(I) CREATE STAKEHOLDER SUBCOMMITTEES CONSISTING~~
2 ~~OF PROVIDERS, CONSUMERS, ADVOCATES, AND LOCAL INTERAGENCY~~
3 ~~COMMITTEES TO ASSIST IN THE DEVELOPMENT OF THE RECOMMENDATIONS;~~

4 ~~(II) REVIEW LONG TERM CARE PLANS AND CONSENSUS~~
5 ~~REPORTS CREATED IN THE STATE AND IN OTHER STATES RELATED TO~~
6 ~~LONG TERM CARE, INCLUDING LONG TERM CARE MANAGED CARE; AND~~

7 ~~(III) IDENTIFY AREAS IN WHICH THE SERVICE NEEDS OF~~
8 ~~SENIORS AND ADULTS WITH DISABILITIES IN THE STATE NEED TO BE~~
9 ~~ADDRESSED.~~

10 ~~10-300.~~

11 ~~(a) (1) The Interagency Committee shall:~~

12 ~~(i) develop a system to provide services to frail or~~
13 ~~health impaired seniors at risk of institutionalization; and~~

14 ~~(ii) coordinate the system among the agencies represented on~~
15 ~~the Interagency Committee.~~

16 ~~(2) The Department shall administer the system for the Interagency~~
17 ~~Committee.~~

18 ~~(b) The services shall include:~~

19 ~~(1) integrated screening and evaluation;~~

20 ~~(2) development of an individual plan of care;~~

21 ~~(3) in-home services such as minor home repair, shopping assistance,~~
22 ~~homemaking, personal care, meal delivery or preparation, supportive services to group~~
23 ~~or shared living arrangements, transportation services, and health services; and~~

24 ~~(4) community services such as day care, congregate meals, and other~~
25 ~~programs to assist seniors or adult caregivers in providing care for seniors.~~

26 ~~(c) To be eligible to participate in the system, a county or counties shall~~
27 ~~establish a community based plan that:~~

28 ~~(1) is developed by a local or regional committee composed of:~~

29 ~~(i) the directors of the local health department, local~~
30 ~~department of social services, and area agency; and~~

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1 ~~(ii) officials of other relevant agencies, such as local housing,~~
 2 ~~transportation, employment, and economic development officials;~~

3 ~~(2) is consistent with the plan developed under § 10-306(a) of this~~
 4 ~~subtitle;~~

5 ~~(3) specifies administrative arrangements to evaluate and develop~~
 6 ~~care plans for frail or health-impaired seniors;~~

7 ~~(4) encourages further coordination of service delivery;~~

8 ~~(5) fosters individual contributions for services provided;~~

9 ~~(6) fosters the development of innovative service delivery;~~

10 ~~(7) fosters the development of services in conjunction with the private~~
 11 ~~sector; and~~

12 ~~(8) fosters community involvement through the use of volunteers.~~

13 ~~(d) The Interagency Committee, through the Department, shall work with~~
 14 ~~local health departments, local departments of social services, area agencies, and local~~
 15 ~~housing, transportation, economic development, and employment development officials~~
 16 ~~to develop:~~

17 ~~(1) a system to designate case managers to secure and manage~~
 18 ~~necessary services for each frail or health-impaired senior in need; and~~

19 ~~(2) guidelines to establish local or regional committees to coordinate~~
 20 ~~the services system to implement this section.~~

21 ~~10-310.~~

22 ~~Subject to § 2-1246 of the State Government Article, the Interagency~~
 23 ~~Committee shall present a report before each legislative session to the General~~
 24 ~~Assembly on:~~

25 ~~(1) the plan developed under § 10-306(a) of this subtitle, INCLUDING~~
 26 ~~A DESCRIPTION OF ANY CHANGES AND UPDATES TO THE PLAN;~~

27 ~~(2) THE STATUS OF THE SYSTEM DEVELOPED UNDER § 10-309 OF~~
 28 ~~THIS SUBTITLE;~~

29 ~~[(2)] (3) the activities of the Interagency Committee; and~~

30 ~~[(3)] (4) the status of services to seniors in the State.~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2009.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.