

HOUSE BILL 739

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9lr2017

By: **Delegates Hammen, Kach, Morhaim, and Pendergrass**

Introduced and read first time: February 10, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program - Substance Abuse Services**

3 FOR the purpose of requiring that individuals receiving certain Maryland Medical
4 Assistance Program benefits receive certain substance abuse benefits; requiring
5 the Governor to provide certain funding in certain fiscal years to provide certain
6 substance abuse benefits; authorizing the Governor to transfer by budget
7 amendment in a certain fiscal year certain funding for a certain substance
8 abuse benefit and to increase certain fees; providing that it is the intent of the
9 General Assembly that the Governor is not required to make a certain transfer
10 of funds under certain circumstances; and generally relating to the Maryland
11 Medical Assistance Program and substance abuse services.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 15–103(a)(2)(ix)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Health – General
19 Section 15–103(a)(3)
20 Annotated Code of Maryland
21 (2005 Replacement Volume and 2008 Supplement)

22 BY adding to
23 Article – Health – General
24 Section 15–103(a)(4)
25 Annotated Code of Maryland
26 (2005 Replacement Volume and 2008 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 15–103.

5 (a) (2) The Program:

6 (ix) Beginning on July 1, 2008, shall provide, subject to the
7 limitations of the State budget, and as permitted by federal law, comprehensive
8 medical care and other health care services for all parents and caretaker relatives:

9 1. Who have a dependent child living in the parents' or
10 caretaker relatives' home; and

11 2. Whose annual household income is at or below 116
12 percent of the poverty level;

13 (3) Subject to restrictions in federal law or waivers, the Department
14 may:

15 (i) Impose cost-sharing on Program recipients; and

16 (ii) For adults who do not meet requirements for a federal
17 category of eligibility for Medicaid:

18 1. Cap enrollment; and

19 2. Limit the benefit package, **EXCEPT THAT**
20 **SUBSTANCE ABUSE SERVICES SHALL BE PROVIDED THAT ARE AT LEAST**
21 **EQUIVALENT TO THE SUBSTANCE ABUSE SERVICES PROVIDED TO ADULTS**
22 **UNDER PARAGRAPH (2)(IX) OF THIS SUBSECTION.**

23 (4) **IN FISCAL YEAR 2011 AND EACH FISCAL YEAR THEREAFTER,**
24 **THE GOVERNOR SHALL INCLUDE IN THE STATE BUDGET FUNDING SUFFICIENT**
25 **TO PROVIDE THE SUBSTANCE ABUSE BENEFITS REQUIRED UNDER PARAGRAPH**
26 **(3)(II)2 OF THIS SUBSECTION.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That in fiscal year 2010, the
28 Governor may transfer by budget amendment \$6,700,000 in general or special funds
29 from the Alcohol and Drug Abuse Administration (Program M00K02.01) to the
30 Medical Care Programs Administration (Program M00Q01.03) to fund the substance
31 abuse benefit provided under § 15–103(a)(3) of the Health – General Article, as
32 enacted by Section 1 of this Act, and to increase the rates paid to providers for
33 substance abuse services provided through the Primary Adult Care Program and the
34 Maryland Medical Assistance Program.

1 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the
2 General Assembly, that if the Governor funds comprehensive medical care and other
3 health care services for adults as required under § 15-103(a)(2)(x) of the Health –
4 General Article through the Medical Care Programs Administration and includes
5 substance abuse services, the Governor is not required to transfer funds from the
6 Alcohol and Drug Abuse Administration as required under Section 2 of this Act.

7 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 June 1, 2009.