

## CHAPTER 332

(House Bill 739)

AN ACT concerning

### **Maryland Medical Assistance Program – Substance Abuse Services**

FOR the purpose of requiring that individuals receiving certain Maryland Medical Assistance Program benefits receive certain substance abuse benefits; requiring the Governor to provide certain funding in certain fiscal years to provide certain substance abuse benefits; requiring managed care organizations to submit certain data to the Department of Health and Mental Hygiene at least semiannually; requiring the Department and certain managed care organizations to establish a certain process and certain criteria to qualify certified addiction treatment programs as paneled providers; authorizing the Governor to transfer by budget amendment in a certain fiscal year certain funding for a certain substance abuse benefit and to increase certain fees; providing that it is the intent of the General Assembly that the Governor is not required to make a certain transfer of funds under certain circumstances; providing for a delayed effective date; and generally relating to the Maryland Medical Assistance Program and substance abuse services.

BY repealing and reenacting, without amendments,  
Article – Health – General  
Section 15–103(a)(2)(ix) and (b)(1)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 15–103(a)(3) and (b)(9)(ii)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

BY adding to  
Article – Health – General  
Section 15–103(a)(4)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

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

**Article – Health – General**

15-103.

(a) (2) The Program:

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

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

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

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

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

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

1. Cap enrollment; and

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

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

(b) (1) As permitted by federal law or waiver, the Secretary may establish a program under which Program recipients are required to enroll in managed care organizations.

(9) Each managed care organization shall:

(ii) Submit to the Department:

1. Service-specific data by service type in a format to be established by the Department; [and]

2. Utilization and outcome reports, such as the Health Plan Employer Data and Information Set (HEDIS), as directed by the Department;  
AND

3. AT LEAST SEMIANNUALLY, AGGREGATE DATA THAT INCLUDES:

A. THE NUMBER OF ENROLLEES PROVIDED WITH SUBSTANCE ABUSE TREATMENT SERVICES; AND

B. THE AMOUNT OF MONEY SPENT ON SUBSTANCE ABUSE TREATMENT;

SECTION 2. AND BE IT FURTHER ENACTED, That in fiscal year 2010, the Governor may transfer by budget amendment ~~\$6,700,000~~ \$3,343,418 in general or special funds from the Alcohol and Drug Abuse Administration (Program M00K02.01) to the Medical Care Programs Administration (Program M00Q01.03) to fund the substance abuse benefit provided under § 15–103(a)(3) of the Health – General Article, as enacted by Section 1 of this Act, and to increase the rates paid to providers for substance abuse services provided through the Primary Adult Care Program and the Maryland Medical Assistance Program.

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

SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall collaborate with the managed care organizations that are participating in the Medical Assistance Program to establish a transparent process and objective criteria to qualify certified addiction treatment programs as paneled providers.

SECTION ~~4~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~June 1, 2009~~ January 1, 2010.

**Approved by the Governor, May 7, 2009.**