

# HOUSE BILL 1358

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HB 1279/09 – HGO

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CF SB 521

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By: **Delegates Mizeur, Smigiel, Ross, Barkley, Barnes, Benson, Bronrott, Carr, Frick, Frush, Gaines, Gutierrez, Hixson, Hubbard, Ivey, Kaiser, Kramer, Kullen, Lee, Manno, McHale, McIntosh, Montgomery, Morhaim, Nathan–Pulliam, Niemann, Pena–Melnik, Ramirez, Reznik, Rosenberg, V. Turner, and Valderrama**

Introduced and read first time: February 18, 2010

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Family Planning Works Act**

3 FOR the purpose of altering the eligibility requirements for family planning services  
4 under the Maryland Medical Assistance Program by requiring the Program to  
5 provide those services to all women whose family income is at or below a certain  
6 percent of the poverty level under certain circumstances; declaring the intent of  
7 the General Assembly; and generally relating to eligibility for family planning  
8 services under the Maryland Medical Assistance Program.

9 BY repealing and reenacting, with amendments,  
10 Article – Health – General  
11 Section 15–103(a)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume)

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

16 **Article – Health – General**

17 15–103.

18 (a) (1) The Secretary shall administer the Maryland Medical Assistance  
19 Program.

20 (2) The Program:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Subject to the limitations of the State budget, shall provide  
2 medical and other health care services for indigent individuals or medically indigent  
3 individuals or both;

4 (ii) Shall provide, subject to the limitations of the State budget,  
5 comprehensive medical and other health care services for all eligible pregnant women  
6 whose family income is at or below 250 percent of the poverty level, as permitted by  
7 the federal law;

8 (iii) Shall provide, subject to the limitations of the State budget,  
9 comprehensive medical and other health care services for all eligible children  
10 currently under the age of 1 whose family income falls below 185 percent of the  
11 poverty level, as permitted by federal law;

12 (iv) Shall provide, subject to the limitations of the State budget,  
13 family planning services to **ALL** women [currently eligible for comprehensive medical  
14 care and other health care under item (ii) of this paragraph for 5 years after the  
15 second month following the month in which the woman delivers her child] **WHOSE**  
16 **FAMILY INCOME IS AT OR BELOW 250 PERCENT OF THE POVERTY LEVEL, AS**  
17 **PERMITTED BY FEDERAL LAW;**

18 (v) Shall provide, subject to the limitations of the State budget,  
19 comprehensive medical and other health care services for all children from the age of 1  
20 year up through and including the age of 5 years whose family income falls below 133  
21 percent of the poverty level, as permitted by the federal law;

22 (vi) Shall provide, subject to the limitations of the State budget,  
23 comprehensive medical care and other health care services for all children who are at  
24 least 6 years of age but are under 19 years of age whose family income falls below 100  
25 percent of the poverty level, as permitted by federal law;

26 (vii) Shall provide, subject to the limitations of the State budget,  
27 comprehensive medical care and other health care services for all legal immigrants  
28 who meet Program eligibility standards and who arrived in the United States before  
29 August 22, 1996, the effective date of the federal Personal Responsibility and Work  
30 Opportunity Reconciliation Act, as permitted by federal law;

31 (viii) Shall provide, subject to the limitations of the State budget  
32 and any other requirements imposed by the State, comprehensive medical care and  
33 other health care services for all legal immigrant children under the age of 18 years  
34 and pregnant women who meet Program eligibility standards and who arrived in the  
35 United States on or after August 22, 1996, the effective date of the federal Personal  
36 Responsibility and Work Opportunity Reconciliation Act;

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

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

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

5                               (x)    Beginning on July 1, 2008, shall provide, subject to the  
6     limitations of the State budget, and as permitted by federal law, medical care and  
7     other health care services for adults:

8                               1.     Who do not meet requirements, such as age,  
9     disability, or parent or caretaker relative of a dependent child, for a federal category of  
10    eligibility for Medicaid;

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

13                              3.     Who are not enrolled in the federal Medicare  
14    program, as enacted by Title XVIII of the Social Security Act;

15                              (xi)   Shall provide, subject to the limitations of the State budget,  
16    and as permitted by federal law, comprehensive medical care and other health care  
17    services for independent foster care adolescents:

18                              1.     Who are not otherwise eligible for Program benefits;  
19    and

20                              2.     Whose annual household income is at or below 300  
21    percent of the poverty level;

22                              (xii)  May include bedside nursing care for eligible Program  
23    recipients; and

24                              (xiii) Shall provide services in accordance with funding  
25    restrictions included in the annual State budget bill.

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

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

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

31                              1.     Cap enrollment; and

1                               2.     Limit the benefit package, except that substance  
2 abuse services shall be provided that are at least equivalent to the substance abuse  
3 services provided to adults under paragraph (2)(ix) of this subsection.

4                               (4)    In fiscal year 2011 and each fiscal year thereafter, the Governor  
5 shall include in the State budget funding sufficient to provide the substance abuse  
6 benefits required under paragraph (3)(ii)2 of this subsection.

7               SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
8 General Assembly that any long-term savings to the Maryland Medical Assistance  
9 Program resulting from the expansion of eligibility for family planning services under  
10 this Act, shall be used to continue the operation of the Upper Shore Community  
11 Mental Health Center in Chestertown.

12               SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2010.