

HOUSE BILL 1424

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By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Health and Mental Hygiene)**
Introduced and read first time: February 23, 2010
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Medicaid State Plan Amendments – Effective Dates**

3 FOR the purpose of establishing the effective date of Medicaid State Plan amendments
4 and Medical Assistance Program waiver applications and modifications;
5 providing for the application of this Act; and generally relating to Medicaid
6 State Plan amendments and Medical Assistance Program waiver applications
7 and modifications.

8 BY repealing and reenacting, without amendments,
9 Article – Health – General
10 Section 15–134(c)
11 Annotated Code of Maryland
12 (2009 Replacement Volume)

13 BY adding to
14 Article – Health – General
15 Section 15–134(d)
16 Annotated Code of Maryland
17 (2009 Replacement Volume)

18 Preamble

19 WHEREAS, Each year the State operating budget must be enacted to fund, in
20 part, the Medical Assistance Program, but that funding must be in accordance with
21 federally established and evolving standards and requirements set forth in State Plan
22 Amendments (SPAs); and

23 WHEREAS, It has become increasingly difficult to predict the precise timing
24 and content of SPAs approved by the Centers for Medicare and Medicaid Services
25 (CMS); and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Gaps may occur between the time CMS approves a SPA and the
2 time that the State can enact corresponding regulations under State law, and those
3 gaps could create uncertainty about which Medical Assistance Program SPAs are in
4 effect and when; and

5 WHEREAS, It would be helpful to establish under State law the effective timing
6 of SPAs; now, therefore,

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

9 **Article – Health – General**

10 15–134.

11 (c) If the Department submits to the federal Centers for Medicare and
12 Medicaid Services an amendment to the Medicaid State Plan or Medical Assistance
13 Program waiver application, the Department shall submit a copy of the amendment or
14 waiver application to the members of the Medicaid Advisory Committee no later than
15 five business days after the Department submits the amendment or waiver application
16 to the federal Centers for Medicare and Medicaid Services.

17 **(D) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND**
18 **NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE FOLLOWING ARE**
19 **EFFECTIVE ON THE DATE SPECIFIED IN A MARYLAND REGISTER NOTICE:**

20 **(1) AMENDMENTS OR MODIFICATIONS TO THE MEDICAID STATE**
21 **PLAN OR MEDICAL ASSISTANCE PROGRAM; AND**

22 **(2) MEDICAL ASSISTANCE PROGRAM WAIVER APPLICATIONS AND**
23 **MODIFICATIONS.**

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not apply to
25 State Plan Amendment 04–27 if the cost settlement related to that State Plan
26 Amendment is in effect on November 1, 2010.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be
28 construed to apply retroactively and shall be applied and interpreted to affect any
29 Medicaid State Plan amendment submitted to the federal Centers for Medicare and
30 Medicaid Services before, on, or after June 1, 2010.

31 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 June 1, 2010.