

# 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

Re-referred to: Health and Government Operations, March 8, 2010

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 2010

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## CHAPTER \_\_\_\_\_

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

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**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.



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

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

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

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

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 15–134.

18 (c) If the Department submits to the federal Centers for Medicare and  
 19 Medicaid Services an amendment to the Medicaid State Plan or Medical Assistance  
 20 Program waiver application, the Department shall submit a copy of the amendment or  
 21 waiver application to the members of the Medicaid Advisory Committee no later than  
 22 five business days after the Department submits the amendment or waiver application  
 23 to the federal Centers for Medicare and Medicaid Services.

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

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

29 **(2) MEDICAL ASSISTANCE PROGRAM WAIVER APPLICATIONS AND**  
 30 **MODIFICATIONS.**

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

34 ~~SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be~~  
 35 ~~construed to apply retroactively and shall be applied and interpreted to affect any~~

1 ~~Medicaid State Plan amendment submitted to the federal Centers for Medicare and~~  
2 ~~Medicaid Services before, on, or after June 1, 2010.~~

3 SECTION ~~4~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
4 effect June 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.