

Chapter 468

(House Bill 1424)

AN ACT concerning

Medicaid State Plan Amendments – Effective Dates

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

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

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

Preamble

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

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

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

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

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

Article – Health – General

15–134.

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

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

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

(2) MEDICAL ASSISTANCE PROGRAM WAIVER APPLICATIONS AND MODIFICATIONS.

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

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

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

Approved by the Governor, May 4, 2010.