

**Department of Legislative Services**  
Maryland General Assembly  
2010 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 465

(Senator Lenett, *et al.*)

Finance

Health and Government Operations

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**Developmental Disabilities Administration - Recipient Appeals**

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This bill requires the Secretary of Health and Mental Hygiene to provide a recipient of Medicaid-waiver services who has been denied services according to his or her plan of habilitation with a notice within 30 days of the denial and an opportunity for a Medicaid fair hearing. The notice must include the reason for the denial and appeal instructions. An individual who receives a written denial notice may appeal the decision.

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**Fiscal Summary**

**State Effect:** None. The bill merely clarifies an appeals process that is already required by federal law as part of the State's Medicaid waiver agreement for home- and community-based services.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law/ Background:** A developmental disability is a condition attributable to a mental or physical impairment that manifests before the age of 22, results in substantial functional limitations in major life activities, and is likely to continue indefinitely.

The Developmental Disabilities Administration (DDA) provides direct services to individuals with intellectual disability in institutions operated by DDA and through funding of a service delivery system supporting individuals with developmental disabilities in the community.

An individual must be evaluated before his or her application for services is approved by the Secretary of Disabilities. At least once a year, a DDA provider must reevaluate the effectiveness and adequacy of each plan of habilitation in consultation with the individual with a developmental disability and any person authorized to act on behalf of the individual. The provider must revise the plan as needed.

Federal Medicaid law requires that a person who believes the agency acted erroneously be given the opportunity for a Medicaid fair hearing.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 900 (Delegate Montgomery, *et al.*) - Health and Government Operations.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2010  
sv/mwc Revised - Updated Information - February 18, 2010  
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