

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE
Revised

House Bill 849

(Delegate Hubbard, *et al.*)

Health and Government Operations

Finance

**Department of Health and Mental Hygiene - Home- and Community-Based
Services Waiver - Denial of Access Prohibited**

This bill prohibits the Department of Health and Mental Hygiene (DHMH) from denying an individual access to a home- and community-based services waiver due to lack of funding if, in addition to meeting other existing criteria, at least 30 consecutive days of the individual's nursing facility stay are eligible to be paid for by the Maryland Medical Assistance (Medicaid) program, rather than requiring that nursing home services be paid for by Medicaid for at least 30 consecutive days immediately prior to the application.

Fiscal Summary

State Effect: This bill's requirements can be handled with existing resources.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Current Law: DHMH may not deny an individual access to a home- and community-based services waiver due to lack of funding if:

- the individual is living in a nursing home at the time of the application for waiver services;
- the nursing home services for the individual were paid by the Medicaid program for at least 30 consecutive days immediately prior to the application;

- the individual meets all of the eligibility criteria for participation in the home- and community-based services waiver; and
- the home- and community-based services provided to the individual would qualify for federal matching funds.

Background: The federal Social Security Act gives states the option of requesting waivers of certain federal requirements in order to develop community-based alternatives to placing Medicaid-eligible individuals in hospitals, nursing facilities, or institutions. Medicaid home- and community-based waivers allow individuals to receive long-term care services in the community rather than an institutional setting.

Additional Information

Prior Introductions: None.

Cross File: None.

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

Fiscal Note History: First Reader - February 26, 2010
mlm/mwc Revised - Updated Information - March 2, 2010
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Analysis by: Sarah K. Volker

Direct Inquiries to:
(410) 946-5510
(301) 970-5510