

## Chapter 538

(House Bill 778)

AN ACT concerning

### Family Planning Works Act

FOR the purpose of altering the eligibility requirements for family planning services under the Maryland Medical Assistance Program by requiring the Program to provide those services beginning on a certain date to all women whose family income is at or below a certain percent of the poverty level under certain circumstances; ~~making this Act subject to a certain contingency~~; and generally relating to eligibility for family planning services under the Maryland Medical Assistance Program.

BY repealing and reenacting, with amendments,  
Article – Health – General  
Section 15–103(a)  
Annotated Code of Maryland  
(2009 Replacement Volume and 2010 Supplement)

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

#### Article – Health – General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(i) Subject to the limitations of the State budget, shall provide medical and other health care services for indigent individuals or medically indigent individuals or both;

(ii) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all eligible pregnant women whose family income is at or below 250 percent of the poverty level, as permitted by the federal law;

(iii) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all eligible children

currently under the age of 1 whose family income falls below 185 percent of the poverty level, as permitted by federal law;

(iv) ~~Shall~~ **BEGINNING ON JANUARY 1, 2012, SHALL** provide, subject to the limitations of the State budget, family planning services to **ALL** women [currently eligible for comprehensive medical care and other health care under item (ii) of this paragraph for 5 years after the second month following the month in which the woman delivers her child] **WHOSE FAMILY INCOME IS AT OR BELOW ~~250~~ 200 PERCENT OF THE POVERTY LEVEL, AS PERMITTED BY FEDERAL LAW;**

(v) Shall provide, subject to the limitations of the State budget, comprehensive medical and other health care services for all children from the age of 1 year up through and including the age of 5 years whose family income falls below 133 percent of the poverty level, as permitted by the federal law;

(vi) Shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all children who are at least 6 years of age but are under 19 years of age whose family income falls below 100 percent of the poverty level, as permitted by federal law;

(vii) Shall provide, subject to the limitations of the State budget, comprehensive medical care and other health care services for all legal immigrants who meet Program eligibility standards and who arrived in the United States before August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act, as permitted by federal law;

(viii) Shall provide, subject to the limitations of the State budget and any other requirements imposed by the State, comprehensive medical care and other health care services for all legal immigrant children under the age of 18 years and pregnant women who meet Program eligibility standards and who arrived in the United States on or after August 22, 1996, the effective date of the federal Personal Responsibility and Work Opportunity Reconciliation Act;

(ix) Beginning on July 1, 2008, shall provide, subject to the limitations of the State budget, and as permitted by federal law, comprehensive medical care and other health care services for all parents and caretaker relatives:

1. Who have a dependent child living in the parents' or caretaker relatives' home; and
2. Whose annual household income is at or below 116 percent of the poverty level;

(x) Beginning on July 1, 2008, shall provide, subject to the limitations of the State budget, and as permitted by federal law, medical care and other health care services for adults:

1. Who do not meet requirements, such as age, disability, or parent or caretaker relative of a dependent child, for a federal category of eligibility for Medicaid;

2. Whose annual household income is at or below 116 percent of the poverty level; and

3. Who are not enrolled in the federal Medicare program, as enacted by Title XVIII of the Social Security Act;

(xi) Shall provide, subject to the limitations of the State budget, and as permitted by federal law, comprehensive medical care and other health care services for independent foster care adolescents:

1. Who are not otherwise eligible for Program benefits; and

2. Whose annual household income is at or below 300 percent of the poverty level;

(xii) May include bedside nursing care for eligible Program recipients; and

(xiii) Shall provide services in accordance with funding restrictions included in the annual State budget bill.

(3) Subject to restrictions in federal law or waivers, the Department may:

(i) Impose cost-sharing on Program recipients; and

(ii) For adults who do not meet requirements for a federal category of eligibility for Medicaid:

1. Cap enrollment; and

2. Limit the benefit package, except that substance abuse services shall be provided that are at least equivalent to the substance abuse services provided to adults under paragraph (2)(ix) of this subsection.

(4) In fiscal year 2011 and each fiscal year thereafter, the Governor shall include in the State budget funding sufficient to provide the substance abuse benefits required under paragraph (3)(ii)2 of this subsection.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on an appropriation for FY 2012 in the amount necessary to cover the costs of the implementation of this Act, or receipt on or before October 1, 2011, of a private grant of at least the same amount. If a grant is received to cover the costs of the implementation of this Act, the Department of Health and Mental Hygiene shall notify the Department of Legislative Services within 5 days after the grant is received. If an appropriation is not made and notice of receipt of a grant is not received by the Department of Legislative Services in accordance with this section, this Act shall be null and void without the necessity of further action by the General Assembly.~~

SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That, ~~subject to Section 2 of this Act,~~ this Act shall take effect October 1, 2011.

**Approved by the Governor, May 19, 2011.**