

# SENATE BILL 537

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4lr2744  
CF 4lr1220

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By: **Senator Klausmeier**

Introduced and read first time: January 29, 2014

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Rare and Expensive Case**  
3 **Management Program – Waiver Amendment**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to apply  
5 to the Centers for Medicare and Medicaid Services for an amendment to the  
6 Rare and Expensive Case Management Program under a certain waiver;  
7 requiring the application to authorize enrollment for certain individuals under  
8 certain circumstances; and generally relating to the Rare and Expensive Case  
9 Management Program.

10 BY adding to

11 Article – Health – General  
12 Section 15–140  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2013 Supplement)

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

17 **Article – Health – General**

18 **15–140.**

19 **(A) THE DEPARTMENT SHALL APPLY TO THE CENTERS FOR MEDICARE**  
20 **AND MEDICAID SERVICES OF THE FEDERAL DEPARTMENT OF HEALTH AND**  
21 **HUMAN SERVICES FOR AN AMENDMENT TO THE RARE AND EXPENSIVE CASE**  
22 **MANAGEMENT PROGRAM UNDER THE STATE’S 1115 HEALTHCHOICE**  
23 **DEMONSTRATION WAIVER.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) THE APPLICATION FOR THE AMENDMENT REQUIRED UNDER**  
2 **SUBSECTION (A) OF THIS SECTION SHALL AUTHORIZE ENROLLMENT IN THE**  
3 **RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM FOR INDIVIDUALS AGE**  
4 **21 THROUGH 64 YEARS WHO HAVE A QUALIFYING RARE AND EXPENSIVE CASE**  
5 **MANAGEMENT DIAGNOSIS, BUT WHO ARE INELIGIBLE FOR THE RARE AND**  
6 **EXPENSIVE CASE MANAGEMENT PROGRAM DUE TO ELIGIBILITY FOR**  
7 **MEDICARE OR ELIGIBILITY FOR THE MEDICAL ASSISTANCE PROGRAM**  
8 **THROUGH SPENDDOWN, IF:**

9           **(1) PRIVATE DUTY NURSING SERVICES ARE MEDICALLY**  
10 **NECESSARY FOR THE INDIVIDUAL;**

11           **(2) THE PRIVATE DUTY NURSING SERVICES ARE NECESSARY FOR**  
12 **THE INDIVIDUAL TO:**

13                   **(I) TRANSITION FROM A NURSING FACILITY OR**  
14 **INTERMEDIATE CARE FACILITY TO THE COMMUNITY;**

15                   **(II) CONTINUE LIVING SAFELY IN THE COMMUNITY; OR**

16                   **(III) AVOID INSTITUTIONAL CARE IN A NURSING FACILITY OR**  
17 **AN INTERMEDIATE CARE FACILITY;**

18           **(3) THE INDIVIDUAL DOES NOT QUALIFY FOR AND IS UNABLE TO**  
19 **RECEIVE THE NECESSARY NURSING SERVICES UNDER PRIVATE INSURANCE,**  
20 **MEDICARE, OR ANY OTHER BENEFIT, ENTITLEMENT, OR AGENCY SERVICE; AND**

21           **(4) THE ANNUALIZED COST OF THE NURSING SERVICES TO BE**  
22 **PROVIDED UNDER THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM**  
23 **DOES NOT EXCEED THE ANNUALIZED COST TO THE MEDICAL ASSISTANCE**  
24 **PROGRAM IF THE INDIVIDUAL WAS PLACED IN A NURSING FACILITY OR AN**  
25 **INTERMEDIATE CARE FACILITY FOR WHICH THE INDIVIDUAL QUALIFIES FOR**  
26 **ADMISSION.**

27           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 July 1, 2014.