

HOUSE BILL 981

J1, N2

6lr2978
CF SB 449

By: **Delegates Kelly, Cullison, and West**

Introduced and read first time: February 10, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Guardianship Fees – Income Deduction**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to deduct as
4 a remedial service certain guardianship fees when determining the portion of income
5 certain recipients of Maryland Medical Assistance Program benefits are required to
6 contribute to the cost of their care under the Program; specifying the amount of
7 deductions for certain guardianship fees; establishing that certain guardians are not
8 entitled to receive more than a certain amount in compensation unless a certain
9 finding is made by a certain court; defining certain terms; and generally relating to
10 the Maryland Medical Assistance Program and compensation for guardianship
11 services provided to Program recipients.

12 BY repealing and reenacting, with amendments,
13 Article – Estates and Trusts
14 Section 13–218
15 Annotated Code of Maryland
16 (2011 Replacement Volume and 2015 Supplement)

17 BY adding to
18 Article – Health – General
19 Section 15–122.3
20 Annotated Code of Maryland
21 (2015 Replacement Volume)

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

24 **Article – Estates and Trusts**

25 13–218.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(7) “GUARDIANSHIP SERVICES” MEANS SERVICES PROVIDED TO A**
2 **RECIPIENT WHO IS A DISABLED PERSON BY A GUARDIAN WHILE ACTING IN THE**
3 **CAPACITY AS A GUARDIAN.**

4 **(8) “RECIPIENT” MEANS A PROGRAM RECIPIENT WHO RECEIVES**
5 **LONG-TERM CARE SERVICES AND SUPPORTS UNDER THE PROGRAM.**

6 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, WHEN DETERMINING**
7 **THE AVAILABLE INCOME OF A RECIPIENT WHO IS A DISABLED PERSON AND HAS A**
8 **GUARDIAN, THE DEPARTMENT SHALL DEDUCT AS A REMEDIAL SERVICE**
9 **GUARDIANSHIP FEES PAYABLE FOR GUARDIANSHIP SERVICES.**

10 **(C) DEDUCTIONS FOR GUARDIANSHIP FEES SHALL BE AS FOLLOWS:**

11 **(1) IF ONE PERSON IS SERVING AS BOTH THE GUARDIAN OF THE**
12 **PERSON AND THE GUARDIAN OF THE PROPERTY OF THE RECIPIENT, THE**
13 **DEDUCTION SHALL BE \$50 PER MONTH; AND**

14 **(2) IF ONE PERSON IS SERVING AS THE GUARDIAN OF THE PERSON OF**
15 **THE RECIPIENT AND A DIFFERENT PERSON IS SERVING AS THE GUARDIAN OF THE**
16 **PROPERTY OF THE RECIPIENT, THE DEDUCTION SHALL BE \$50 PER MONTH FOR**
17 **EACH GUARDIAN.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2016.