

SENATE BILL 939

J1, J3

6lr2911
CF 6lr2371

By: **Senators Madaleno and Raskin**

Introduced and read first time: February 5, 2016

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Nursing Homes – Advance Payments**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to make a
4 certain advance payment to a nursing home at the request of the nursing home under
5 certain circumstances; providing that the advance payment may not exceed a certain
6 amount; requiring the Department to pay the balance due to a nursing home under
7 certain circumstances; requiring the Department to recover certain advance
8 payments in a certain manner under certain circumstances; defining a certain term;
9 and generally relating to the Maryland Medical Assistance Program and advance
10 payments to nursing homes.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 15–101(a) and (h)
14 Annotated Code of Maryland
15 (2015 Replacement Volume)

16 BY adding to
17 Article – Health – General
18 Section 15–148
19 Annotated Code of Maryland
20 (2015 Replacement Volume)

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

23 **Article – Health – General**

24 15–101.

25 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (h) "Program" means the Maryland Medical Assistance Program.

2 15-148.

3 (A) IN THIS SECTION, "NURSING HOME" HAS THE MEANING STATED IN §
4 19-1401 OF THIS ARTICLE.

5 (B) AT THE REQUEST OF A NURSING HOME, THE DEPARTMENT SHALL MAKE
6 AN ADVANCE PAYMENT TO THE NURSING HOME FOR UNCOMPENSATED PROGRAM
7 SERVICES PROVIDED TO A RESIDENT OF THE NURSING HOME WHO HAS FILED AN
8 APPLICATION FOR PROGRAM SERVICES IF THE ELIGIBILITY OF THE RESIDENT FOR
9 PROGRAM SERVICES HAS NOT BEEN DETERMINED WITHIN 90 DAYS AFTER THE
10 APPLICATION WAS FILED.

11 (C) AN ADVANCE PAYMENT PROVIDED UNDER SUBSECTION (B) OF THIS
12 SECTION MAY NOT EXCEED 50% OF THE ESTIMATED AMOUNT DUE FOR THE
13 UNCOMPENSATED SERVICES.

14 (D) (1) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND
15 AN APPLICATION FOR PROGRAM SERVICES IS GRANTED, THE DEPARTMENT SHALL
16 PAY THE BALANCE DUE TO THE NURSING HOME.

17 (2) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING HOME AND
18 AN APPLICATION FOR PROGRAM SERVICES IS DENIED, THE DEPARTMENT SHALL
19 RECOVER ANY ADVANCE PAYMENTS MADE ON BEHALF OF THE APPLICANT BY
20 REDUCING PAYMENTS DUE TO THE NURSING HOME.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2016.