

# HOUSE BILL 847

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By: **Delegates Queen, Anderson, Glenn, Moon, Oaks, and Proctor**

Introduced and read first time: February 3, 2017

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Benefits for Individuals Who Are**  
3 **Incarcerated or Institutionalized**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to provide for  
5 a certain time period of presumptive eligibility for Maryland Medical Assistance  
6 Program benefits for individuals on release from incarceration or from an institution  
7 for the treatment of mental disease; requiring the Department of Health and Mental  
8 Hygiene, in consultation with the Department of Public Safety and Correctional  
9 Services, to establish a process to train and certify staff from certain facilities and  
10 departments as presumptive eligibility determiners; repealing a certain contingency;  
11 and generally relating to Maryland Medical Assistance Program benefits for  
12 individuals who are incarcerated or institutionalized.

13 BY repealing and reenacting, with amendments,  
14 Article – Health – General  
15 Section 15–109.2  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume and 2016 Supplement)  
18 (As enacted by Chapter 82 of the Acts of the General Assembly of 2005)

19 BY repealing  
20 Chapter 82 of the Acts of the General Assembly of 2005  
21 Section 2

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

24 **Article – Health – General**

25 15–109.2.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A)** To the extent authorized by federal law or regulation, if a Program recipient  
2 who is at least 21 years old but is under the age of 65 years is incarcerated or is admitted  
3 to an institution for the treatment of mental disease, the Department:

4                   (1) Shall suspend Program benefits for that individual while the individual  
5 is incarcerated or is in the institution; and

6                   (2) May not terminate Program benefits for that individual based on the  
7 incarceration of the individual or on the admission of the individual to the institution.

8           **(B) TO THE EXTENT AUTHORIZED BY FEDERAL LAW OR REGULATION, THE**  
9 **DEPARTMENT SHALL PROVIDE 6 MONTHS OF PRESUMPTIVE ELIGIBILITY FOR**  
10 **PROGRAM BENEFITS TO AN INDIVIDUAL ON RELEASE FROM INCARCERATION OR**  
11 **FROM AN INSTITUTION FOR THE TREATMENT OF MENTAL DISEASE.**

12           **(C) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**  
13 **PUBLIC SAFETY AND CORRECTIONAL SERVICES, SHALL ESTABLISH A PROCESS TO**  
14 **TRAIN AND CERTIFY STAFF FROM CORRECTIONAL FACILITIES, LOCAL HEALTH**  
15 **DEPARTMENTS, AND THE DEPARTMENT OF HUMAN RESOURCES AS PRESUMPTIVE**  
16 **ELIGIBILITY DETERMINERS.**

17                                   **Chapter 82 of the Acts of 2005**

18           [SECTION 2. AND BE IT FURTHER ENACTED, That Section 1 of this Act is  
19 contingent on the Department of Health and Mental Hygiene's receipt of funding for the  
20 development of a new computerized eligibility system for the Maryland Medical Assistance  
21 Program and the implementation of the system, and shall take effect on the date the system  
22 is implemented. The Department, within 5 days after the implementation of a new  
23 computerized eligibility system for the Maryland Medical Assistance Program, shall notify  
24 the Department of Legislative Services, 90 State Circle, Annapolis, Maryland 21401 in  
25 writing of the implementation.]

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2017.