

# SENATE BILL 1109

J1, J3  
SB 939/16 – FIN

7lr3517  
CF HB 1599

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By: ~~Senator Madaleno~~ **Senators Madaleno, Astle, Benson, Feldman, Hershey,  
Jennings, Klausmeier, Middleton, Mathias, Oaks, Reilly, and Rosapepe**

Introduced and read first time: February 20, 2017

Assigned to: Rules

Re-referred to: Finance, March 1, 2017

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 30, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Nursing Homes – Partial Payment for Services Provided**

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; requiring the  
9 Department, in consultation with the Department of Human Resources, to submit a  
10 certain report to certain committees of the General Assembly regarding certain  
11 eligibility applications on or before a certain date; defining a certain term; and  
12 generally relating to the Maryland Medical Assistance Program and advance  
13 payments to nursing homes.

14 BY repealing and reenacting, without amendments,  
15 Article – Health – General  
16 Section 15–101(a) and (h)  
17 Annotated Code of Maryland  
18 (2015 Replacement Volume and 2016 Supplement)

19 BY adding to  
20 Article – Health – General  
21 Section 15–149

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Annotated Code of Maryland  
2 (2015 Replacement Volume and 2016 Supplement)

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

5 **Article – Health – General**

6 15–101.

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

8 (h) “Program” means the Maryland Medical Assistance Program.

9 15–149.

10 (A) IN THIS SECTION, “NURSING HOME” HAS THE MEANING STATED IN §  
11 19–1401 OF THIS ARTICLE.

12 (B) (1) ~~AT~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, AT THE  
13 REQUEST OF A NURSING HOME, THE DEPARTMENT SHALL MAKE AN ADVANCE  
14 PAYMENT TO THE NURSING HOME FOR UNCOMPENSATED PROGRAM SERVICES  
15 PROVIDED TO A RESIDENT OF THE NURSING HOME WHO HAS FILED AN APPLICATION  
16 FOR PROGRAM SERVICES IF THE ELIGIBILITY OF THE RESIDENT FOR PROGRAM  
17 SERVICES HAS NOT BEEN DETERMINED WITHIN 90 DAYS AFTER THE APPLICATION  
18 WAS FILED.

19 ~~(C)~~ (2) AN ADVANCE PAYMENT PROVIDED UNDER ~~SUBSECTION (B)~~  
20 PARAGRAPH (1) OF THIS SECTION SUBSECTION MAY NOT EXCEED 50% OF THE  
21 ESTIMATED AMOUNT DUE FOR THE UNCOMPENSATED SERVICES.

22 ~~(D)~~ (3) ~~(1)~~ (I) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING  
23 HOME AND AN APPLICATION FOR PROGRAM SERVICES IS GRANTED, THE  
24 DEPARTMENT SHALL PAY THE BALANCE DUE TO THE NURSING HOME.

25 ~~(2)~~ (II) IF AN ADVANCE PAYMENT IS PROVIDED TO A NURSING  
26 HOME AND AN APPLICATION FOR PROGRAM SERVICES IS DENIED, THE  
27 DEPARTMENT SHALL RECOVER ANY ADVANCE PAYMENTS MADE ON BEHALF OF THE  
28 APPLICANT BY REDUCING PAYMENTS DUE TO THE NURSING HOME.

29 (C) (1) ON OR BEFORE DECEMBER 31, 2018, THE DEPARTMENT, IN  
30 CONSULTATION WITH THE DEPARTMENT OF HUMAN RESOURCES, SHALL SUBMIT A  
31 REPORT TO THE SENATE FINANCE COMMITTEE, THE SENATE BUDGET AND  
32 TAXATION COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS  
33 COMMITTEE, AND THE HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE

1 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE PERCENT OF  
2 ELIGIBILITY APPLICATIONS FILED FOR PROGRAM SERVICES BETWEEN OCTOBER 1,  
3 2017, AND MARCH 31, 2018, THAT DID NOT RECEIVE AN ELIGIBILITY  
4 DETERMINATION WITHIN 90 DAYS.

5 (2) IF THE PERCENT OF APPLICATIONS REPORTED UNDER  
6 PARAGRAPH (1) OF THIS SUBSECTION EXCEEDS 20%, THE DEPARTMENT SHALL  
7 BEGIN MAKING ADVANCE PAYMENTS TO NURSING HOMES AS PROVIDED IN  
8 SUBSECTION (B) OF THIS SECTION.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
10 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.