

SENATE BILL 981

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CF HB 977

By: **Senators Washington and Salling**

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workgroup to Study Long-Term Care Medicaid Eligibility and Payments to**
3 **Providers**

4 FOR the purpose of establishing the Workgroup to Study Long-Term Care Medicaid
5 Eligibility and Payments to Providers; providing for the composition, cochairs, and
6 staffing of the Workgroup; prohibiting a member of the Workgroup from receiving
7 certain compensation, but authorizing the reimbursement of certain expenses;
8 requiring the Workgroup to study and make recommendations regarding certain
9 matters; requiring the Workgroup to submit an interim and a final report to the
10 Governor and the General Assembly on or before certain dates; providing for the
11 termination of this Act; and generally relating to the Workgroup to Study
12 Long-Term Care Medicaid Eligibility and Payments to Providers.

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
14 That:

15 (a) There is a Workgroup to Study Long-Term Care Medicaid Eligibility and
16 Payments to Providers.

17 (b) The Workgroup consists of the following members:

18 (1) the Senate Chair of the Joint Committee on Children, Youth, and
19 Families;

20 (2) the House Chair of the Joint Committee on Children, Youth, and
21 Families;

22 (3) two members of the Senate of Maryland, appointed by the President of
23 the Senate;

24 (4) two members of the House of Delegates, appointed by the Speaker of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 the House;

2 (5) the Secretary of Health, or the Secretary's designee;

3 (6) the Secretary of Human Services, or the Secretary's designee;

4 (7) the Secretary of Aging, or the Secretary's designee;

5 (8) the Executive Director of the Health Services Cost Review Commission,
6 or the Executive Director's designee;

7 (9) the following members, designated by the cochairs of the Workgroup:

8 (i) one representative of the Maryland Hospital Association;

9 (ii) one representative of MedChi, the Maryland State Medical
10 Society;

11 (iii) one representative of the Health Facilities Association of
12 Maryland; and

13 (iv) representatives of nonprofit organizations who have expertise in
14 areas that could assist in advancing the goals, strategies, and operations of the Workgroup;
15 and

16 (10) additional members invited by the cochairs of the Workgroup.

17 (c) The Senate Chair of the Joint Committee on Children, Youth, and Families
18 and the House Chair of the Joint Committee on Children, Youth, and Families shall serve
19 as cochairs of the Workgroup.

20 (d) The Department of Legislative Services shall provide staff for the Workgroup.

21 (e) A member of the Workgroup:

22 (1) may not receive compensation as a member of the Workgroup; but

23 (2) is entitled to reimbursement for expenses under the Standard State
24 Travel Regulations, as provided in the State budget.

25 (f) The Workgroup shall:

26 (1) identify, compile information on, and study:

27 (i) the unique needs related to long-term care eligibility under the
28 Maryland Medical Assistance Program;

1 (ii) the process for determining eligibility for long-term care services
2 provided by the Maryland Medical Assistance Program;

3 (iii) the transparency of long-term care eligibility decisions made by
4 the Maryland Medical Assistance Program; and

5 (iv) permanent payments for long-term care services provided to
6 Marylanders in need under the Maryland Medical Assistance Program;

7 (2) identify gaps in eligibility determinations for long-term care services
8 made by the Maryland Medical Assistance Program that delay or lead to the denial of
9 payments to skilled nursing and rehabilitation centers;

10 (3) identify and study issues with caseworkers, caseload, high turnovers,
11 vacancies, and training associated with long-term care services provided by the Maryland
12 Medical Assistance Program;

13 (4) identify gaps that have created barriers to access to quality long-term
14 care services under the Maryland Medical Assistance Program and have placed
15 unnecessary burdens on State residents and their families;

16 (5) identify technical, compliance, and process issues associated with the
17 Assets Verification System as used by the Maryland Medical Assistance Program for
18 making long-term care eligibility determinations, including processing times, and Assets
19 Verification System contract renewal deadlines; and

20 (6) identify and study the issues faced by the Problem Resolution Unit
21 regarding long-term care services provided by the Maryland Medical Assistance Program.

22 (g) The Workgroup shall make recommendations on:

23 (1) developing clear criteria and consistent policies to correct the current
24 backlog of eligibility determinations for long-term care services provided by the Maryland
25 Medical Assistance Program and prevent any future backlog;

26 (2) developing methods that may be used to streamline the eligibility
27 determination process for long-term care services provided by the Maryland Medical
28 Assistance Program by using technology and implementing policies to simplify the
29 documentation and verification process;

30 (3) consolidating the entities, preferably under the Maryland Department
31 of Health, that implement and oversee the process for determining eligibility for long-term
32 care services provided by the Maryland Medical Assistance Program;

33 (4) the automatic renewal of contracts for the electronic Assets Verification
34 System used to make eligibility determinations for long-term care services provided by the
35 Maryland Medical Assistance Program;

1 (5) the feasibility of requiring caseworkers, in accordance with policy, to
2 offer assistance to applicants for long-term care services provided by the Maryland Medical
3 Assistance Program in obtaining the information necessary for making an eligibility
4 determination;

5 (6) streamlining the amount of information needed to make eligibility
6 determinations for long-term care services provided by the Maryland Medical Assistance
7 Program and enforcing Maryland “good faith/reasonable certainty” policies in cases where
8 verification of information is unattainable;

9 (7) developing a system to guide caseworkers in evaluating applications for
10 long-term care services provided by the Maryland Medical Assistance Program in a
11 manner that is consistent and efficient and would prevent or reduce backlogs;

12 (8) the feasibility of setting shorter time standards for making eligibility
13 determinations for long-term care services provided by the Maryland Medical Assistance
14 Program by requiring that the eligibility determinations and the notification to the
15 applicant regarding eligibility is made within 45 days after receipt of all required
16 information;

17 (9) legislation, regulations, and policy initiatives needed to address needs
18 related to long-term care services and payments for long-term care services provided by
19 the Maryland Medical Assistance Program to Marylanders;

20 (10) funding requirements and budgetary priorities to address the needs
21 associated with the long-term care eligibility determination process under the Maryland
22 Medical Assistance Program; and

23 (11) any other relevant issues or considerations identified by the
24 Workgroup.

25 (h) On or before December 1, 2020, the Workgroup shall submit an interim report
26 of its findings and recommendations to the Governor and, in accordance with § 2-1257 of
27 the State Government Article, the General Assembly.

28 (i) On or before June 30, 2021, the Workgroup shall submit a final report of its
29 findings and recommendations to the Governor and, in accordance with § 2-1257 of the
30 State Government Article, the General Assembly.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
32 1, 2020. It shall remain effective for a period of 2 years and 1 month and, at the end of June
33 30, 2022, this Act, with no further action required by the General Assembly, shall be
34 abrogated and of no further force and effect.