

SB0868/163323/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 868
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike “self-directed services” and substitute “all models of services available to the recipient”.

AMENDMENT NO. 2

On page 3 in line 24, on page 4 in line 6, on page 8 in line 19, and page 9 in line 30, in each instance, strike “FAMILY” and substitute “AND FAMILY-DIRECTED”.

On page 3, in line 25, strike “THERAPIES, TRANSPORTATION” and substitute “ACTIVITIES”; and in line 28, after “PLAN” insert “OF SERVICE”.

On page 4, in line 3, strike “A” and substitute “ANOTHER”; in line 7, strike “ANY OTHER” and substitute “ALL”; and in the same line, strike “UNDER” and substitute “BY REGULATIONS ADOPTED OR”.

On page 5, in line 10, after “PERSON-CENTERED” insert “PLAN OF SERVICE”; in the same line, after “SERVICES” insert “AND SUPPORTS”; strike in their entirety lines 11 through 14, inclusive, and substitute:

“(1) IS DEVELOPED WITH A FOCUS ON THE INDIVIDUAL HAVING CONTROL OVER THE SERVICES AND SUPPORTS;

“(2) ENSURES THAT THE INDIVIDUAL IS THE PRIMARY CONTRIBUTOR TO THE PLAN AND MAY RECEIVE SUPPORT FROM OTHER PERSONS SELECTED BY THE INDIVIDUAL IN DEVELOPING THE PLAN;

(3) IDENTIFIES AND ADDRESSES, TO THE EXTENT PRACTICABLE:

(i) THE INDIVIDUAL'S PREFERENCES AND INTERESTS RELATED TO ACHIEVING THE INDIVIDUAL'S DESIRED LIFESTYLE; AND

(ii) THE SUPPORTS REQUIRED TO ACHIEVE THE INDIVIDUAL'S DESIRED LIFESTYLE AND PROVIDED IN A MANNER THAT ENABLES THE INDIVIDUAL TO HAVE CONTROL OVER THE INDIVIDUAL'S DAILY LIFE AND MAINTAINS THE INDIVIDUAL'S HEALTH AND WELFARE; AND

(4) ALIGNS SERVICES AND SUPPORTS TO ENSURE THAT THE INDIVIDUAL HAS ACCESS TO THE FULL BENEFITS OF COMMUNITY LIVING IN A MANNER THAT EMPHASIZES THE INDIVIDUAL'S QUALITY OF LIFE, WELL-BEING, AND INFORMED CHOICE.”;

and in line 30, after “SUPPORTS” insert “CHOSEN BY THE PARTICIPANT OR THE PARTICIPANT'S REPRESENTATIVE”.

On page 6, in line 1, strike “FURTHERS” and substitute “:

1. FURTHERS”;

in lines 2 and 3, strike “WITH DISABILITIES, REGARDLESS OF THE PHYSICAL OR INTELLECTUAL CAPACITY OF THE INDIVIDUALS,” and substitute “AND THEIR REPRESENTATIVES, AS APPLICABLE,”; in lines 4 and 5, strike “THROUGH CONTROL OVER RECEIPT OF, AND FUNDING FOR, SUPPORT SERVICES” and substitute “BY CHOOSING AND CONTROLLING THE DELIVERY OF WAIVER SERVICES, WHO PROVIDES THE SERVICES, AND HOW SERVICES ARE PROVIDED; AND

2. RECOGNIZES THAT ALL INDIVIDUALS HAVE THE CAPACITY TO MAKE CHOICES AND MAY BE SUPPORTED IN MAKING CHOICES;

in line 9, strike “AND”; in the same line, after “SUPERVISE” insert “, AND DISMISS”; in the same line, strike “INDIVIDUALS” and substitute “EMPLOYEES AND VENDORS”; in line 12, after “SPENT” insert “WITHIN THE TOTAL APPROVED ANNUAL BUDGET”; and in line 18, after “IMPROVE” insert “THE INDIVIDUAL’S”.

On page 7, in lines 4 and 5, strike “ADVOCATES ON BEHALF OF AND AS DIRECTED BY” and substitute “WORKS AT THE DIRECTION OF AND FOR THE BENEFIT OF”; in lines 6 and 7, strike “THE INDIVIDUAL’S FAMILY OR OTHER REPRESENTATIVE” and substitute “ANOTHER INDIVIDUAL CHOSEN BY THE INDIVIDUAL”; in line 9, after “RECEIVES” insert “, INCLUDING DECISIONS RELATED TO PERSONNEL REQUIREMENTS AND RESOURCES NEEDED TO MEET THE REQUIREMENTS”; in line 11, strike “BEST SUITED”; and in line 12, after “INDIVIDUAL” insert “AND AS AUTHORIZED BY REGULATIONS ADOPTED OR GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES UNDER § 1915(C) OF THE SOCIAL SECURITY ACT”.

On page 8, in line 3, after the first “SERVICES” insert “SPECIFICALLY”; in the same line, after “ON” insert “THE”; in the same line, after the second “SERVICES” insert “MODEL OF RECEIVING SERVICES”; in line 4, after “SERVICES” insert “, PROCEDURES,”; in the same line, after “POLICIES” insert a comma; in line 7, strike “THE AVAILABILITY OF SELF-DIRECTED SERVICES” and substitute “ALL MODELS OF SERVICE AVAILABLE TO THE RECIPIENT, INCLUDING SELF-DIRECTED SERVICES, TRADITIONAL SERVICES, AND PROVIDER-MANAGED SERVICES, TO ASSIST THE RECIPIENT AND THE RECIPIENT’S FAMILY OR REPRESENTATIVE IN MAKING AN INFORMED CHOICE ON WHICH SERVICES THE RECIPIENT WOULD LIKE TO RECEIVE”; in line 14, strike “OFFERED” and substitute “PROVIDED INFORMATION ON”; in the same line, after “SERVICES” insert “, TRADITIONAL”.

(Over)

SERVICES, AND PROVIDER-MANAGED SERVICES"; in line 21, strike "ON" and substitute ":

(I) ON";

in the same line, after "BASIS;" insert "AND"; after line 21, insert:

"(II) WITHIN THE LIMITS OF THE APPROVED ANNUAL BUDGET GENERATED BY THE DEPARTMENT'S LONG TERM SERVICES AND SUPPORTS SOFTWARE SYSTEM OR ITS REPLACEMENT SYSTEM;";

in line 24, after "SYSTEM" insert "OR ITS REPLACEMENT SYSTEM"; in line 25, strike "40" and substitute "30"; and in line 26, after "RECIPIENT" insert "AND WITHIN THE RECIPIENT'S TOTAL APPROVED ANNUAL BUDGET".

On page 9, strike beginning with "FOR" in line 2 down through "TO" in line 4 and substitute "TO THE OWNER OF A SPECIALIZED, MODIFIED, OR ACCESSIBLE VEHICLE DRIVEN BY AN EMPLOYEE OF THE RECIPIENT AND FOR THE PURPOSE OF THE RECIPIENT ENGAGING IN ACTIVITIES SPECIFIED IN"; strike beginning with "SUBSTANTIALLY" in line 7 down through "POSITIONS" in line 9 and substitute "THE ABILITY TO USE FUNDS FROM THE RECIPIENT'S APPROVED ANNUAL BUDGET FOR THE PURPOSE OF FUNDING AT LEAST ONE POSITION TO ASSIST THE RECIPIENT IN MANAGING THE RECIPIENT'S HOME, STAFF, AND OTHER ADMINISTRATIVE DUTIES AND PAY ADMINISTRATIVE EXPENSES NEEDED TO OPERATE THE RECIPIENT'S PLAN OF SERVICE, INCLUDING INTERNET SERVICE AND OFFICE EQUIPMENT"; in line 11, after "SUPPORTS" insert "PROVIDED THROUGH PERSONAL SUPPORT SERVICES CARRIED OUT USING THE RECIPIENT'S EMPLOYER OR BUDGET AUTHORITY"; in the same line, after the first "THE" insert "EMPLOYEE, VENDOR, OR"; strike beginning with ", INCLUDING" in line 12 down through "SUPPORTS" in line 14; in line 25, strike "UNDER" and substitute "BY REGULATIONS".

ADOPTED OR"; in line 29, after "(C)" insert "(1)"; in the same line, strike "THE" and substitute "SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE"; and in line 30, strike "(1)" and substitute "(I)".

On page 10, in line 1, strike "(2)" and substitute "(II)"; in the same line, strike "OVERNIGHT SUPPORTS" and substitute "PERSONAL SUPPORT SERVICES"; in line 2, after "SERVICES" insert "THAT:

1. ARE NECESSARY FOR THE HEALTH AND SAFETY OF THE RECIPIENT; AND
2. ARE AUTHORIZED BY REGULATIONS ADOPTED OR GUIDANCE ISSUED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES UNDER § 1915(C) OF THE SOCIAL SECURITY ACT.

(2) A RECIPIENT MAY NOT RECEIVE SERVICES OR SUPPORTS IN EXCESS OF THE RECIPIENT'S ANNUAL APPROVED BUDGET";

in line 7, strike "40" and substitute "30"; in line 8, after the second "SERVICES" insert ", AS NEEDED BY THE RECIPIENT AND WITHIN THE RECIPIENT'S TOTAL APPROVED ANNUAL BUDGET"; in line 11, strike "UNDER" and substitute "BY REGULATIONS ADOPTED OR"; and after line 27, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Department of Health shall:

(1) collect utilization data on recipients of self-directed services and determine the fiscal impact of expanding services as required under Section 1 of this Act; and

(2) on or before January 1, 2023, provide a baseline report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the utilization and cost of self–directed services.

SECTION 6. AND BE IT FURTHER ENACTED, That, on or before October 1, 2024, the Maryland Department of Health shall report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the findings and recommendations of the Maryland Department of Health related to the expansion of self–directed services as required under Section 1 of this Act.”;

and in line 28, strike “5.” and substitute “7.”.