

Chapter 635

(Senate Bill 622)

AN ACT concerning

**Medicaid Waiver Programs – Waitlist and Registry Reduction
(End the Wait Act)**

FOR the purpose of requiring certain Medicaid funding to be used to provide community services to individuals waiting for services through certain waiver programs; authorizing certain Medicaid funding to be used for ~~hiring and retaining providers~~ expanding provider capacity in certain waiver programs; altering the uses of certain funding appropriated to the Dedicated Purpose Account in the fiscal year 2023 budget bill; and generally relating to Medicaid waiver programs.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–150
Annotated Code of Maryland
(2019 Replacement Volume and 2022 Supplement)

BY repealing and reenacting, with amendments,
Chapter 484 of the Acts of the General Assembly of 2022
Supplemental Budget No. 5, Item 14

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

Article – Health – General

15–150.

(a) (1) (i) The Department shall develop plans to reduce the waitlists for the following waiver programs by 50%, beginning in fiscal year 2024:

1. The Community Pathways Waiver;
2. The Community Supports Waiver;
3. The Family Supports Waiver;
4. The Brain Injury Waiver;
5. The Home– and Community–Based Options Waiver;
6. The Medical Day Care Services Waiver; and

7. The Model Waiver for Medically Fragile Children.

(ii) The Department shall develop a plan to reduce the registry for the Autism Waiver that includes conducting eligibility determinations of individuals on the registry and, beginning in fiscal year 2024, providing services to at least 50% of individuals determined eligible.

(2) The plans required under this subsection shall include:

(i) An assessment of whether each waiver program needs to recruit and retain new providers;

(ii) Measures to recruit and retain providers for each waiver program to expand the capacity of the programs;

(iii) Any changes in reimbursement rates needed to ensure provider capacity to provide services under the waiver programs;

(iv) The expected time frame for conducting eligibility determinations for the Autism Waiver;

(v) The expected time frame for reducing the waitlist or registry for each waiver program by 50%; and

(vi) The projected cost of the measures to be implemented under the plans.

(3) Provisions of the plans relating to the Autism Waiver shall be developed in conjunction with the Maryland State Department of Education.

(b) On or before January 1, 2023, the Department shall submit the plans to the Governor and, in accordance with § 2-1257 of the State Government Article, the chairs of the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the Senate Finance Committee, the House Appropriations Committee, and the House Health and Government Operations Committee.

(c) **(1)** Beginning in fiscal year 2024, the Governor shall include in the annual budget bill sufficient funds to carry out this section.

(2) FUNDING INCLUDED IN THE ANNUAL BUDGET BILL UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE ALLOCATED TO PROGRAMS IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION FOR THE PURPOSE OF HIRING AND RETAINING PROVIDERS.

Supplemental Budget No. 5

14. Y01A02.01 Dedicated Purpose Account

In addition to the appropriation shown on page 135 of the printed bill (first reading file bill), to provide funding to support legislative operating budget priorities. Following Legislative Policy Committee review, the Department of Budget and Management shall process a budget amendment effective July 1, 2022 transferring most of the funds listed below to the appropriate budgeted programs.

(1)	Apprenticeships	25,000,000
(2)	[Autism Waiver Expansions] MEDICAID WAIVER EXPANSIONS	30,000,000
(3)	New Unified Financial Aid System for Higher Education	8,000,000
(4)	M00A01.01 Hospital Assistance/Workforce Support	50,000,000
(5)	T00G00.02 Tourism Grants	10,000,000
(6)	T00G00.05 Arts Grants	40,000,000
(7)	N00G00.08 Additional Benefit – Temporary Cash Assistance and Temporary Disability Assistance Program	35,000,000
(8)	M00A01.01 Assisted Living Facilities	20,000,000
(9)	M00A01.01 Assistance to Nursing Homes	20,000,000
(10)	T00F00.29 Western Maryland Economic Future Investment Program	20,000,000
(11)	D40W01.12 Historic Revitalization Tax Credit	10,000,000
(12)	R75T00.01 Implement Strategic Plan for the Universities at Shady Grove	5,000,000
(13)	R00A01.01 Bonus – Noncertificated Education Support Professionals	8,000,000
(14)	T00F00.15 Small, Minority, Women–Owned Businesses Account for Fund Managers	4,000,000
(15)	M00A01.01 Pediatric Cancer Research	5,000,000

(16)	D15A05.05 Expand Maryland Corps Program	5,000,000
(17)	M00F02.01 Loan Assistance Repayment Programs for Physicians and Physicians Assistants	3,000,000
(18)	R62I00.54 Loan Assistance Repayment Programs for Nurses and Nurses Assistants	1,000,000
(19)	R00A02.07 Non–Public Special Education School Teacher Salaries	4,000,000
(20)	M00F03.04 Enhanced Alzheimer’s Services and Research	3,500,000
(21)	W00A01.03 Establish Maryland State Police Gun Center	3,400,000
(22)	D21A01.04 Grants to Violence Prevention and Interruption Organizations	2,500,000
(23)	R62I00 Formerly Incarcerated Youth Grant Program	1,200,000
(24)	S00A24.02 Baltimore Regional Neighborhood Initiative	1,040,000
(25)	S00A24.02 National Capital Strategic Economic Development Fund	1,000,000
(26)	D38I01.02 State Board of Elections Public Communications for General Election	500,000
(27)	C00A00.06 Prosecutorial Transparency Reporting	600,000
(28)	D05E01.11 State Center Redevelopment Plan	500,000
(29)	Q00C02.01 Parole & Probation review murders of offenders under supervision	323,000
(30)	T00F00.04 Maryland New Start Act	175,000
(31)	A15O00.01 Disparity Grant Funding	15,368,715
(32)	J00A01.03 Street and Sidewalk Improvements to Comply with Americans with Disabilities Act – Baltimore City	10,000,000
(33)	W00A01.02 Grants to Police Departments to Acquire License Plate Readers	5,000,000
(34)	E50C00.08 Homeowner Protection Fund	1,300,000

(35) R00A02.13 Learning in Extended Academic Programs (LEAP)	4,500,000
(36) D21A02.01 Local Management Boards	1,500,000
(37) D21A01.01 Grants to Domestic Violence Centers	3,000,000
(38) M00L01.02 Operating Grant to Center for Neuroscience of Social Injustice at the Kennedy Krieger Institute	2,250,000
(39) M00L01.02 Greater Baltimore Regional Integrated Crisis System	2,000,000
(40) M00A01.01 Grant to Children’s National Hospital	1,500,000
(41) R00A03.01 Funds to Initiate Maryland School for the Blind Pay Plan	1,200,000
(42) D21A01.01 Grants to Police Departments to Coordinate Task Forces that Cross Jurisdictional Boundaries	1,000,000
(43) V00E01.01 Grant to ROCA for Operations Outside Baltimore City	1,000,000
(44) M00F01.01 Grant to Vision for Baltimore	1,000,000
(45) R00A02.13 Operating Grant to Thread	750,000
(46) R75T00.01 Grant to the University of Baltimore’s Schaefer Center for Public Policy	575,102
(47) L00A01.02 Pride of Baltimore	300,000
(48) R75T00.01 Bowie State University	50,000
Object. 12 Grants, Subsidies and Contributions	370,031,817

General Fund Appropriation, provided that no less than \$317,031,817 of this appropriation shall be transferred by budget amendment by July 1, 2022, in accordance with the programs and funding amounts allocated in the purpose detail of this supplemental appropriation. Funds for apprenticeships and development of a new unified financial aid system for higher education along with \$20,000,000 of the funds for expansion of the autism waiver shall be transferred when agencies incur related expenses.

Further provided that no more than \$250,000 of the appropriation made for apprenticeships shall be used to support fiscal 2023 administrative costs associated with public safety, transportation, health care, and higher education apprenticeship workgroups operated by the Maryland Department of Labor.

Further provided that at least \$10,000,000 of the appropriation made for [autism waiver expansions] **MEDICAID WAIVER EXPANSIONS** shall be transferred by budget amendment in fiscal 2023 to program R00A02.07 Students with Disabilities. It is the intention of the legislature that the Maryland Department of Health and the Maryland State Department of Education shall apply to the Centers for Medicare & Medicaid Services for an addendum to expand the current waiver by 1,350 slots. **THE REMAINING FUNDING OF THE APPROPRIATION MADE FOR MEDICAID WAIVER EXPANSIONS ~~MAY BE USED FOR THE PURPOSE OF HIRING AND RETAINING PROVIDERS~~ SHALL BE USED TO PROVIDE COMMUNITY SERVICES TO INDIVIDUALS WAITING FOR SERVICES THROUGH THE COMMUNITY PATHWAYS WAIVER, THE COMMUNITY SUPPORTS WAIVER, THE FAMILY SUPPORTS WAIVER, THE BRAIN INJURY WAIVER, THE HOME- AND COMMUNITY-BASED OPTIONS WAIVER, THE MEDICAL DAY CARE SERVICES WAIVER, AND THE MODEL WAIVER FOR MEDICALLY FRAGILE CHILDREN. A PORTION OF THESE FUNDS MAY BE USED FOR THE PURPOSE OF EXPANDING PROVIDER CAPACITY IN THE COMMUNITY PATHWAYS WAIVER, THE COMMUNITY SUPPORTS WAIVER, THE FAMILY SUPPORTS WAIVER, THE BRAIN INJURY WAIVER, THE HOME- AND COMMUNITY-BASED OPTIONS WAIVER, THE MEDICAL DAY CARE SERVICES WAIVER, THE MODEL WAIVER FOR MEDICALLY FRAGILE CHILDREN, AND THE AUTISM WAIVER, INCLUDING HIRING AND RETAINING STAFF AND PROVIDERS, INCREASING PROVIDER RATES, AND ADDRESSING OTHER ISSUES THAT LIMIT PROVIDER CAPACITY.**

Further provided that the \$50,000,000 appropriation made for program M00A01.01 Executive Direction for the purpose of hospital assistance/workforce support shall be allocated to acute and psychiatric care hospitals based on a plan developed by the Health Services Cost Review Commission.

Further provided that the \$40,000,000 appropriation made for program T00G00.05 Maryland State Arts Council for the purpose of supporting Arts Grants shall be allocated by the Maryland State Arts Council and can include, but should not be limited to, entities traditionally funded by the council. The funds shall not be included in the fiscal 2024 calculation of Arts Council formula funding.

Further provided that the \$35,000,000 appropriation made for program N00G00.08 Assistance Payments shall be used to provide a \$45 per recipient per month additional benefit for Temporary Cash Assistance and Temporary Disability Assistance Program recipients.

Further provided that the \$20,000,000 appropriation made for program T00F00.29 Rural Maryland Economic Development shall be used to provide a grant to the Western

Maryland Economic Future Investment Board for the Western Maryland Economic Future Investment Fund to be used for grants and loans for capital infrastructure projects and business development projects that improve economic conditions in the region and expenses necessary to administer the grants and loans contingent upon enactment of SB 474 or HB 838 establishing the fund.

Further provided that the \$10,000,000 appropriation made for program D40W01.12 Maryland Historic Revitalization Tax Credit shall be used to provide continued and expanded funding for the Historic Revitalization Tax Credit Program.

Further provided that the \$8,000,000 appropriation made for program R00A01.01 Office of the State Superintendent shall be used to provide noncertificated education support professionals with a \$500 bonus.

Further provided that the \$4,000,000 appropriation made for program T00F00.15 Small, Minority, and Women–Owned Businesses Account shall be split equally among the fund managers.

Further provided that the \$5,000,000 appropriation made for program M00A01.01 Executive Direction to provide pediatric cancer research grants shall be contingent upon enactment of SB51 or HB775 establishing the Maryland Pediatric Cancer Fund.

Further provided that the \$1,000,000 appropriation made for program R62I00.54 to fund Loan Assistance Repayment Programs For Nurses and Nursing Assistants shall be transferred, contingent upon the enactment of SB 696 or HB 975 establishing the program within the Maryland Department of Health, instead to program M00F02.01 Office of Population Health Improvement for the Maryland Loan Assistance Repayment Program for Nurses and Nursing Workers.

Further provided that the \$3,500,000 appropriation made for program M00F03.04 Family Health and Chronic Disease services to provide funding for enhanced Alzheimer’s services and research shall be expended in a manner consistent with the implementation of the recommendations of the Virginia I. Jones Alzheimer’s Council.

Further provided that the \$3,400,000 appropriation made for program W00A01.03 Criminal Investigation Bureau to establish the Maryland State Police Gun Center within the Department of State Police shall be contingent upon the enactment of SB 861.

Further provided that the \$1,200,000 appropriation made for program R62I00 to fund the Formerly Incarcerated Youth Grant Program, providing such students who receive Pell Grants with an additional grant award of up to \$3,000, shall be contingent upon enactment of SB 904.

Further provided that \$40,000 of the appropriation made for program S00A24.02 Neighborhood Revitalization – Capital for the Baltimore Regional Neighborhood Initiative may be expended only for a grant to Southeast Community Development Corporation.

Further provided that the \$600,000 appropriation made for program C00A00.06 Administrative Office of the Courts shall be contingent upon enactment of SB 763 or HB 1429.

Further provided that the \$500,000 appropriation made for program D05E01.11 Miscellaneous Grants to Local Governments may only be expended to provide a grant to the Baltimore City Department of Planning for the creation of a redevelopment plan for State Center.

Further provided that the \$323,000 appropriation made for program Q00C02.01 Division of Parole and Probation – Support Services may only be used to support new personnel assigned to examine and review murders involving offenders who are supervised by the division. Further provided that by December 31, 2022, and annually thereafter, the division must report to the budget committees, along with the Senate Judicial Proceedings Committee and the House Judiciary Committee, on (1) agency activities intended to reduce the number of murders involving supervised offenders; (2) actions taken to examine and review murders, including policy and program recommendations made to the Secretary; and (3) the number of supervised offenders who were shooting victims, homicide victims, or charged with or identified as suspects in specified crimes.

Further provided that the \$175,000 appropriation made for program T00F00.04 Office of Business Development may only be expended to fund operating expenses associated with establishing the Maryland New Start Grant Program and Maryland New Start Microloan Program contingent upon enactment of SB 554 or HB 158.

Further provided that the \$15,368,715 appropriation made for program A15O00.01 Disparity Grants may only be expended to provide supplemental funding allocated in the following amounts:

- (a) \$11,316,425 to Baltimore City;
- (b) \$726,821 to Caroline County;
- (c) \$1,386,458 to Cecil County;
- (d) \$819,998 to Somerset County; and
- (e) \$1,119,013 to Wicomico County.

Further provided that the \$1,000,000 appropriation made for program M00F01.01 Executive Direction may only be expended to provide a grant to the Baltimore City Health Department for the Vision for Baltimore program.

Further provided that the \$500,000 appropriation made for the Pride of Baltimore may only be transferred by budget amendment in fiscal 2023 to program J00A01.02 Operating Grants-in-Aid to provide a Secretary’s grant to the Pride of Baltimore.

Further provided that the \$50,000 appropriation made for program R75T00.01 Support for State Operated Institutions of Higher Education may only be expended to provide funding to Bowie State University (R30B23) for a project specialist to staff the Maryland Truth and Reconciliation Commission370,031,817

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2023.

Approved by the Governor, May 16, 2023.