J15lr0934

By: Senator Kelley

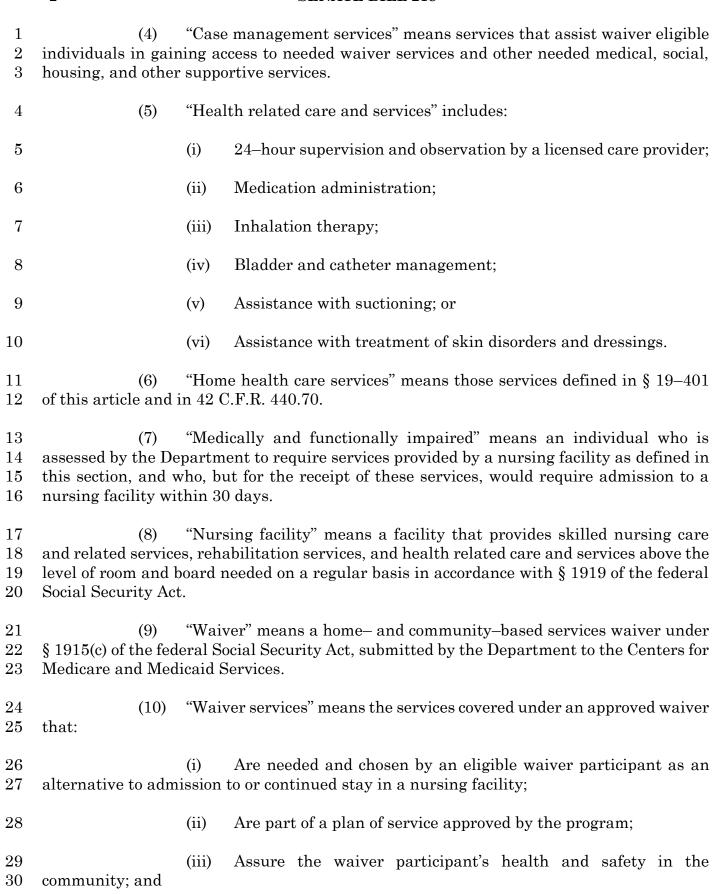
Introduced and read first time: February 2, 2015

Assigned to: Finance

A DILL ENIMIMEDIA

	A BILL ENTITLED
1	AN ACT concerning
2 3	Medical Assistance Program – Home- and Community-Based Services Waiver – Priority for Services
4 5 6 7 8 9	FOR the purpose of prohibiting the Department of Health and Mental Hygiene from placing certain individuals on a waiting list for certain services or giving priority to certain individuals to receive certain services based on the setting in which the individual is residing at the time of a certain determination; making a certain stylistic change; and generally relating to the Department of Health and Mental Hygiene and the determination of priority to receive home—and community—based waiver services.
10 11 12 13 14 15 16	BY repealing and reenacting, with amendments, Article – Health – General Section 15–132 Annotated Code of Maryland (2009 Replacement Volume and 2014 Supplement) SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
17	Article - Health - General
18	15–132.
19	(a) (1) In this section the following terms have the meanings indicated.
$\begin{array}{c} 20 \\ 21 \end{array}$	(2) "Assisted living program" has the meaning stated in § 19–1801 of this article.
22 23	(3) "Assisted living services" means services provided by an assisted living program as defined in regulations adopted by the Department.

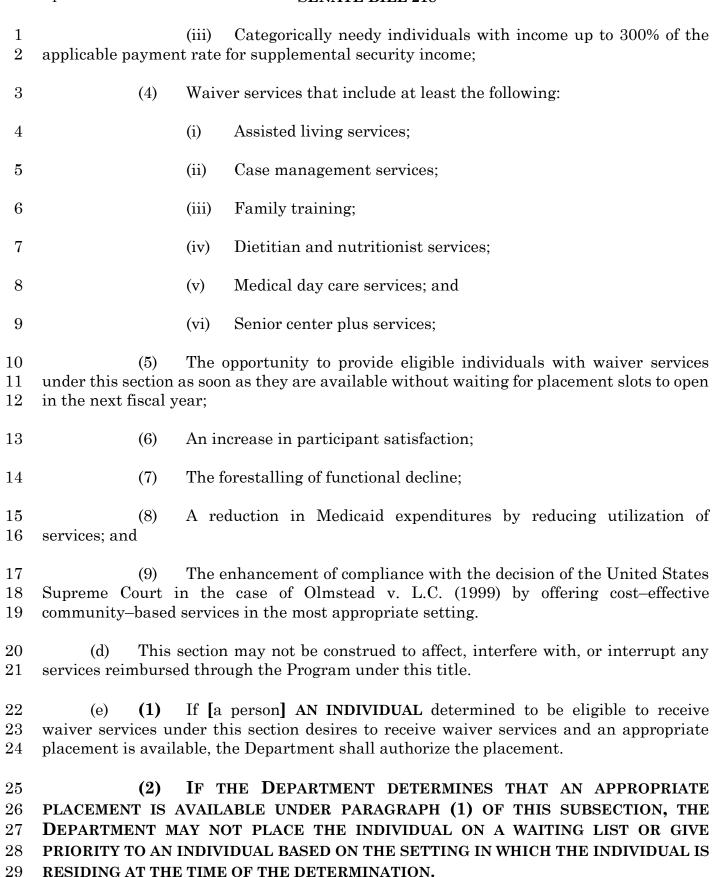




1 Cost no more per capita to receive services in the community 2 than in a nursing facility. 3 (b) If permitted by the Centers for Medicare and Medicaid Services, an 4 individual shall be determined medically eligible to receive services if the individual 5 requires: 6 (i) Skilled nursing care or other related services; 7 (ii) Rehabilitation services; or 8 (iii) Health-related services above the level of room and board that 9 are available only through nursing facilities, including individuals who because of severe 10 cognitive impairments or other conditions: 11 1. Α. Are currently unable to perform at least two 12 activities of daily living without hands-on assistance or standby assistance from another 13 individual; and 14 Have been or will be unable to perform at least two В. activities of daily living for a period of at least 90 days due to a loss of functional capacity; 15 16 or 17 2. Need substantial supervision for protection against 18 threats to health and safety due to severe cognitive impairment. 19 (2)The Department shall adopt regulations to carry out the provisions of 20 this subsection. 21(c) The Department's waiver shall include the following: An initial cap on waiver participation at 7,500 individuals; 22(1) 23A limit on annual waiver participation based on State General Fund (2)support as provided in the budget bill; 2425(3)Financial eligibility criteria which include: 26 The current federal and State medical assistance long-term care (i) 27 rules for using services provided by a nursing facility, per §§ 1902, 1919, and 1924 of the 28federal Social Security Act, and applicable regulations adopted by the Department; 29 Medically needy individuals using services provided by a nursing (ii) 30 facility under the current federal and State medical assistance eligibility criteria governed by regulations adopted by the Department and § 1919 of the federal Social Security Act; 31

32

and



RESIDING AT THE TIME OF THE DETERMINATION.

- 1 (f) The Department, in consultation with representatives of the affected industry 2 and advocates for waiver candidates, and with the approval of the Department of Aging, 3 shall adopt regulations to implement this section.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 5 October 1, 2015.