## **HOUSE BILL 80**

O3, J1 2lr1084 CF 2lr1201 (PRE-FILED)

By: Delegate Cullison

Requested: October 29, 2021

Introduced and read first time: January 12, 2022 Assigned to: Health and Government Operations

## A BILL ENTITLED

AN ACT concerning 1

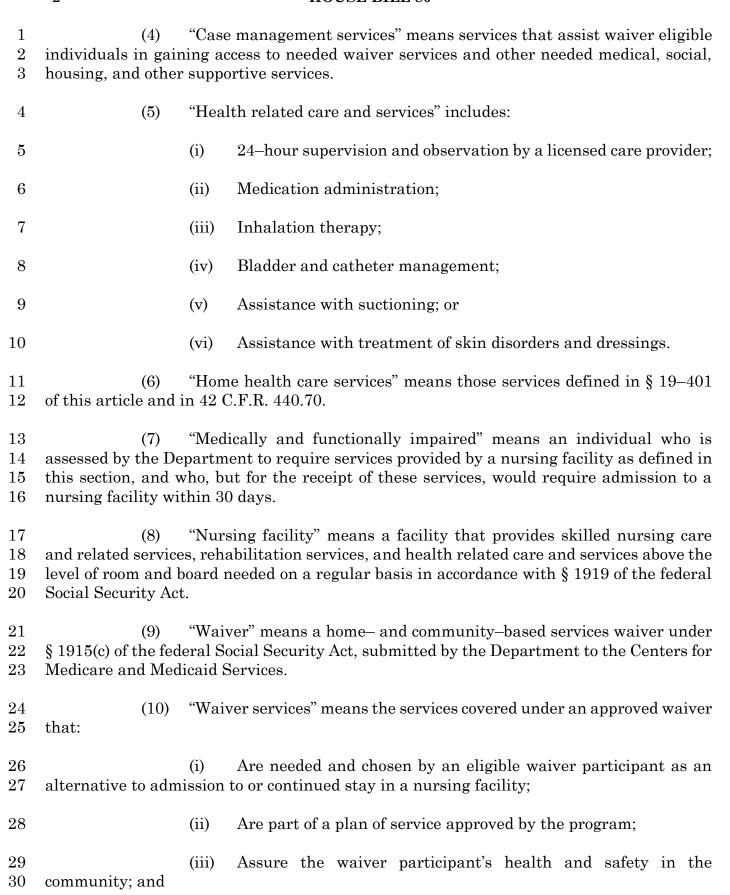
## 2 Home- and Community-Based Services Waiver - Participation and Applications

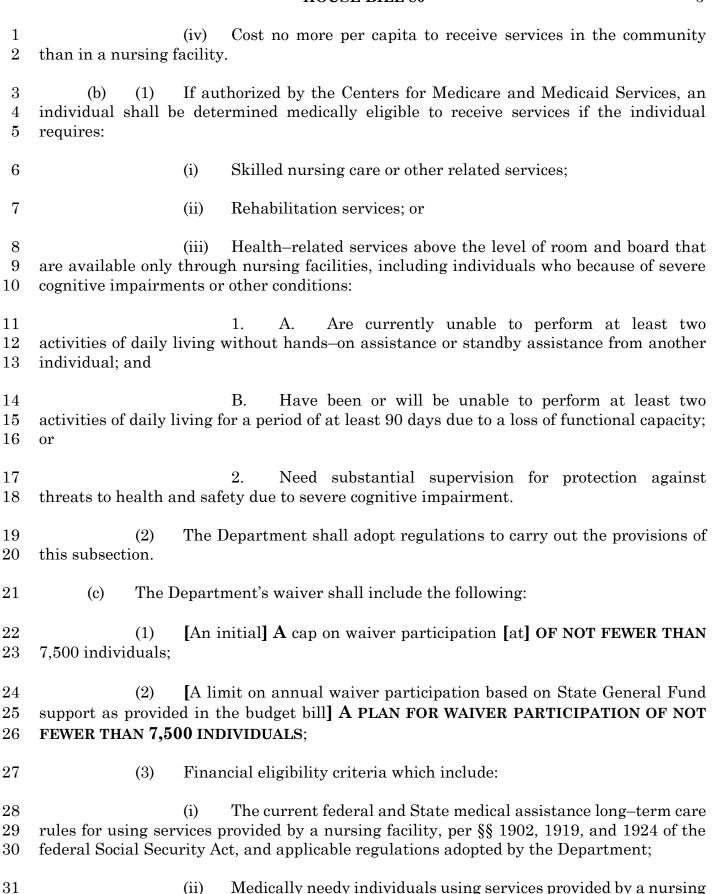
- 3 FOR the purpose of altering the required contents of the home—and community—based 4 services waiver submitted by the Maryland Department of Health to the Centers for 5 Medicare and Medicaid Services; requiring the Department to send an application to 6 a certain number of individuals each month, if the Department maintains a waiting 7 list or registry for the waiver; and generally relating to the home- and 8 community-based services waiver.
- 9 BY repealing and reenacting, with amendments,
- 10 Article – Health – General
- Section 15–132 11
- 12 Annotated Code of Maryland
- (2019 Replacement Volume and 2021 Supplement) 13
- SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, 14
- 15 That the Laws of Maryland read as follows:

## Article - Health - General 16

- 17 15-132.
- 18 In this section the following terms have the meanings indicated. (a) (1)
- "Assisted living program" has the meaning stated in § 19–1801 of this 19 (2)article.
- 20
- 21 "Assisted living services" means services provided by an assisted living
- 22 program as defined in regulations adopted by the Department.







facility under the current federal and State medical assistance eligibility criteria governed

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by regulations adopted by the Department and § 1919 of the federal Social Security Act; 1 2and 3 (iii) Categorically needy individuals with income up to 300% of the applicable payment rate for supplemental security income; 4 5 (4) Waiver services that include at least the following: 6 (i) Assisted living services; 7 (ii) Case management services: 8 (iii) Family training: 9 (iv) Dietitian and nutritionist services: 10 (v) Medical day care services; and 11 Senior center plus services: (vi) 12 The opportunity to provide eligible individuals with waiver services (5)13 under this section as soon as they are available without waiting for placement slots to open 14 in the next fiscal year; An increase in participant satisfaction; 15 (6)16 (7)The forestalling of functional decline; A reduction in Medicaid expenditures by reducing utilization of 17 (8)18 services; and 19 The enhancement of compliance with the decision of the United States 20 Supreme Court in the case of Olmstead v. L.C. (1999) by offering cost-effective community-based services in the most appropriate setting. 2122This section may not be construed to affect, interfere with, or interrupt any (d) 23 services reimbursed through the Program under this title. 24(e) **(1) (I)** IF THE DEPARTMENT MAINTAINS A WAITING LIST OR REGISTRY, EACH MONTH THE DEPARTMENT SHALL SEND A WAIVER APPLICATION: 2526 1. IF THERE ARE FEWER THAN 600 INDIVIDUALS ON THE 27 WAITING LIST OR REGISTRY, TO ALL INDIVIDUALS ON THE WAITING LIST OR 28 **REGISTRY; AND** 

1	2. If there are 600 or more individuals on the
2	WAITING LIST OR REGISTRY, TO AT LEAST $600$ INDIVIDUALS ON THE WAITING LIST
3	OR REGISTRY.
4	(II) A WAIVER APPLICATION SENT UNDER SUBPARAGRAPH (I)

- 5 OF THIS PARAGRAPH SHALL STATE CLEARLY AND CONSPICUOUSLY THAT:
- 6 1. The Applicant must submit the Application Within 6 weeks after receiving the Application; and
- 8 2. THE APPLICANT IS REQUIRED TO MEET ALL OF THE 9 ELIGIBILITY CRITERIA FOR PARTICIPATION IN THE WAIVER WITHIN 6 MONTHS 10 AFTER SUBMITTING THE APPLICATION.
- 11 **(2)** If a person determined to be eligible to receive waiver services under this section desires to receive waiver services and an appropriate placement is available, the Department shall authorize the placement.
- 14 (f) The Department, in consultation with representatives of the affected industry 15 and advocates for waiver candidates, and with the approval of the Department of Aging, 16 shall adopt regulations to implement this section.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.