

SENATE BILL 138

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5lr0931
CF 5lr2424

By: **Senator Kelley**

Introduced and read first time: January 29, 2015

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Assisted Living Services**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to reimburse
4 through the Maryland Medical Assistance Program certain assisted living services
5 provided to certain individuals; defining certain terms; and generally relating to
6 assisted living services and the Maryland Medical Assistance Program.

7 BY adding to

8 Article – Health – General

9 Section 15–132.2

10 Annotated Code of Maryland

11 (2009 Replacement Volume and 2014 Supplement)

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

14 **Article – Health – General**

15 **15–132.2.**

16 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
17 **INDICATED.**

18 **(2) “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN §**
19 **19–1801 OF THIS ARTICLE.**

20 **(3) “ELIGIBLE ASSISTED LIVING SERVICES” MEANS SERVICES**
21 **PROVIDED BY AN ASSISTED LIVING PROGRAM THAT:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) ARE NOT COVERED UNDER THE DEPARTMENT'S WAIVER**
2 **UNDER § 15-132 OF THIS SUBTITLE;**

3 **(II) ARE NEEDED AND CHOSEN BY AN INDIVIDUAL AS AN**
4 **ALTERNATIVE TO ADMISSION TO OR CONTINUED STAY IN A NURSING FACILITY;**

5 **(III) ARE PART OF A PLAN OF SERVICE APPROVED BY THE**
6 **PROGRAM;**

7 **(IV) ENSURE THE INDIVIDUAL'S HEALTH AND SAFETY IN THE**
8 **ASSISTED LIVING PROGRAM; AND**

9 **(V) COST NO MORE PER CAPITA IN THE ASSISTED LIVING**
10 **PROGRAM THAN IN A NURSING FACILITY.**

11 **(4) "MEDICALLY AND FUNCTIONALLY IMPAIRED" HAS THE MEANING**
12 **STATED IN § 15-132 OF THIS SUBTITLE.**

13 **(5) "NURSING FACILITY" HAS THE MEANING STATED IN § 15-132 OF**
14 **THIS SUBTITLE.**

15 **(6) "WAIVER" HAS THE MEANING STATED IN § 15-132 OF THIS**
16 **SUBTITLE.**

17 **(B) THE DEPARTMENT SHALL REIMBURSE THROUGH THE PROGRAM**
18 **ELIGIBLE ASSISTED LIVING SERVICES THAT ARE PROVIDED TO AN INDIVIDUAL WHO**
19 **IS MEDICALLY AND FUNCTIONALLY IMPAIRED IF THE DEPARTMENT DETERMINES**
20 **THAT THE INDIVIDUAL:**

21 **(1) MEETS THE MEDICAL ELIGIBILITY REQUIREMENTS UNDER §**
22 **15-132(B)(1) OF THIS SUBTITLE; AND**

23 **(2) MEETS THE FINANCIAL ELIGIBILITY CRITERIA UNDER §**
24 **15-132(C)(3) OF THIS SUBTITLE.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2015.