

# HOUSE BILL 100

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By: **Delegate Hammen**

Introduced and read first time: January 23, 2015

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration – Medicaid Fair Hearings**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to provide  
4 notice and an opportunity for a Medicaid fair hearing to certain applicants and  
5 recipients of Developmental Disabilities Administration Medicaid waiver services;  
6 and generally relating to Developmental Disabilities Administration hearings.

7 BY repealing and reenacting, with amendments,  
8 Article – Health – General  
9 Section 7–406  
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 7–406.

16 (a) [If a recipient of Medicaid–waiver services is denied services to be provided in  
17 accordance with a plan of habilitation under § 7–1006 of this title, the] **THE** Secretary shall  
18 provide [the individual with] notice and an opportunity for a Medicaid fair hearing in  
19 accordance with Title 10, Subtitle 2 of the State Government Article and federal Medicaid  
20 law **TO:**

21 **(1) AN APPLICANT FOR ADMINISTRATION MEDICAID WAIVER**  
22 **SERVICES WHO IS DENIED ELIGIBILITY FOR THE SERVICES;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(2) AN APPLICANT FOR ADMINISTRATION MEDICAID WAIVER**  
2 **SERVICES WHO CONTESTS THE PRIORITY CATEGORY ASSIGNED TO THE APPLICANT**  
3 **FOR THE SERVICES; AND**

4                   **(3) A RECIPIENT OF ADMINISTRATION MEDICAID WAIVER SERVICES**  
5 **WHOSE REQUEST FOR ADDITIONAL OR DIFFERENT ADMINISTRATION MEDICAID**  
6 **WAIVER SERVICES IS DENIED.**

7           (b)   (1)   **[Subject to] EXCEPT AS PROVIDED IN** subsection (a) of this section, an  
8 applicant for services or a recipient of services under this title may:

9                               (i)   Request an informal hearing before the Secretary's designee on  
10 any action or inaction of the Secretary made under this title; and

11                              (ii)   Request the Secretary to review the decision of the informal  
12 hearing.

13                   (2)   After the Secretary receives a request for a review, the Secretary shall  
14 conduct the review in accordance with Title 10, Subtitle 2 of the State Government Article.

15           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**  
16 **1, 2015.**