

HOUSE BILL 100

J1

51r0036

By: **Delegate Hammen**

Introduced and read first time: January 23, 2015

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2015

CHAPTER _____

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:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

6 (3) A RECIPIENT OF ADMINISTRATION MEDICAID WAIVER SERVICES
7 ~~WHOSE REQUEST FOR ADDITIONAL OR DIFFERENT ADMINISTRATION MEDICAID~~
8 ~~WAIVER;~~

9 (I) WHOSE CLAIM FOR ADMINISTRATION MEDICAID WAIVER
10 SERVICES IS DENIED OR IS NOT ACTED ON WITH REASONABLE PROMPTNESS; OR

11 (II) WHO BELIEVES THE ADMINISTRATION HAS TAKEN AN
12 ACTION ERRONEOUSLY.

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

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

17 (ii) Request the Secretary to review the decision of the informal
18 hearing.

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
22 1, 2015.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.