

# HOUSE BILL 1196

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CF SB 832

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By: **Delegates Kelly, Cullison, and Pena–Melnyk**

Introduced and read first time: February 25, 2015

Assigned to: Rules and Executive Nominations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Commission on the Long–Term Care Medical Assistance Program Eligibility**  
3 **Determination Process**

4 FOR the purpose of establishing the Commission on the Long–Term Care Medical  
5 Assistance Program Eligibility Determination Process; providing for the  
6 composition, chair, duties, and staffing of the Commission; prohibiting a member of  
7 the Commission from receiving certain compensation, but authorizing the  
8 reimbursement of certain expenses; requiring the Department of Health and Mental  
9 Hygiene to provide certain data to the Commission on the request of the Commission;  
10 requiring the Commission, on or before a certain date, to report its findings and  
11 recommendations to the Governor and the General Assembly; providing for the  
12 termination of this Act; and generally relating to the Commission on the Long–Term  
13 Care Medical Assistance Program Eligibility Determination Process.

14 Preamble

15 WHEREAS, There are significant delays in the long–term care Maryland Medical  
16 Assistance application system, including a 6 to 12 month delay for applicant approval; and

17 WHEREAS, Maryland and federal law requires eligibility determinations to be made  
18 within 45 days after receiving all required documentation; and

19 WHEREAS, Delays in applicant approval negatively affect the livelihood of  
20 vulnerable Marylanders and their families; and

21 WHEREAS, Delays in applicant approval negatively affect small businesses in  
22 Maryland that require cash flow to operate; and

23 WHEREAS, The long–term care Maryland Medical Assistance Program eligibility  
24 determination process is performed by the Department of Health and Mental Hygiene and  
25 the Department of Human Resources; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The long-term care Maryland Medical Assistance Program eligibility  
2 determination process has resulted in a loss of tens of millions of dollars to providers in the  
3 last decade, affecting the ability of providers to hire and retain employees and to improve  
4 physical plants; and

5 WHEREAS, The 230 skilled nursing facilities in Maryland provide 5,600,000  
6 Medical Assistance days of care out of the 9,000,000 total days of care to vulnerable  
7 Marylanders annually; and

8 WHEREAS, An improvement in the long-term care Maryland Medical Assistance  
9 eligibility determination process will ensure that Maryland's long-term care providers  
10 have the resources to provide high quality care to Marylanders in need; now, therefore,

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That:

13 (a) There is a Commission on the Long-Term Care Medical Assistance Program  
14 Eligibility Determination Process.

15 (b) The Commission consists of the following nine members:

16 (1) one member of the Senate of Maryland, appointed by the President of  
17 the Senate;

18 (2) one member of the House of Delegates, appointed by the Speaker of the  
19 House; and

20 (3) the following seven members, appointed by the Governor:

21 (i) one representative of the Department of Health and Mental  
22 Hygiene;

23 (ii) one representative of the Department of Human Resources;

24 (iii) one individual with a background in technology;

25 (iv) one representative of a health care provider that receives  
26 reimbursement from the Maryland Medical Assistance Program;

27 (v) one representative of the Health Facilities Association of  
28 Maryland;

29 (vi) one representative of LifeSpan Network; and

30 (vii) one representative of AARP Maryland.

1 (c) The Governor shall designate the chair of the Commission.

2 (d) The Department of Health and Mental Hygiene and the Department of  
3 Human Resources shall provide staff for the Commission.

4 (e) A member of the Commission:

5 (1) may not receive compensation as a member of the Commission; but

6 (2) is entitled to reimbursement for expenses under the Standard State  
7 Travel Regulations, as provided in the State budget.

8 (f) The Commission shall:

9 (1) identify challenges experienced in the long-term care Medical  
10 Assistance Program eligibility determination process, including redeterminations;

11 (2) review the State's policies and procedures for tracking and processing  
12 applications for long-term care Medical Assistance Program eligibility;

13 (3) identify the average time required to determine long-term care Medical  
14 Assistance Program eligibility;

15 (4) identify the challenges, including challenges in receiving timely  
16 payments, experienced by providers as a result of delays in the long-term care Medical  
17 Assistance Program eligibility determination process;

18 (5) calculate the cost of consolidating the long-term care Medical  
19 Assistance Program eligibility determination process into one State agency;

20 (6) evaluate the efficacy of outsourcing the long-term care Medical  
21 Assistance Program eligibility determination process to a third party private vendor;

22 (7) review and evaluate the Medical Assistance Program's computer  
23 system created by Computer Sciences Corporation; and

24 (8) make recommendations on methods to streamline and improve the  
25 long-term care Medical Assistance Program eligibility determination and payment process.

26 (g) On the request of the Commission, the Department of Health and Mental  
27 Hygiene shall provide data to the Commission to assist the Commission in performing its  
28 duties as provided in subsection (f) of this section.

29 (h) On or before December 31, 2015, the Commission shall report its findings and  
30 recommendations, including policy and legislative recommendations, to the Governor and,  
31 in accordance with § 2-1246 of the State Government Article, the General Assembly.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
2 1, 2015. It shall remain effective for a period of 1 year and 7 months and, at the end of  
3 December 31, 2016, with no further action required by the General Assembly, this Act shall  
4 be abrogated and of no further force and effect.