

# SENATE BILL 765

J1

8lr3015  
CF HB 772

---

By: **Senator Mathias**

Introduced and read first time: February 5, 2018

Assigned to: Finance

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Clinical Services Provided by Certified**  
3 **Peer Recovery Specialists**

4 FOR the purpose of authorizing the Maryland Medical Assistance Program to provide,  
5 subject to certain limitations, clinical services provided by certified peer recovery  
6 specialists to individuals with substance use disorders or mental health disorders;  
7 requiring the Secretary of Health, under certain circumstances, to develop certain  
8 regulations with input from certain entities; and generally relating to Maryland  
9 Medical Assistance Program services provided by certified peer recovery specialists.

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 15–103(a)  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2017 Supplement)

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

17 **Article – Health – General**

18 15–103.

19 (a) (1) The Secretary shall administer the Maryland Medical Assistance  
20 Program.

21 (2) The Program:

22 (i) Subject to the limitations of the State budget, shall provide  
23 medical and other health care services for indigent individuals or medically indigent  
24 individuals or both;

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) Shall provide, subject to the limitations of the State budget,  
2 comprehensive medical and other health care services for all eligible pregnant women  
3 whose family income is at or below 250 percent of the poverty level, as permitted by the  
4 federal law;

5 (iii) Shall provide, subject to the limitations of the State budget,  
6 comprehensive medical and other health care services for all eligible children currently  
7 under the age of 1 whose family income falls below 185 percent of the poverty level, as  
8 permitted by federal law;

9 (iv) Beginning on January 1, 2012, shall provide, subject to the  
10 limitations of the State budget, family planning services to all women whose family income  
11 is at or below 200 percent of the poverty level, as permitted by federal law;

12 (v) Shall provide, subject to the limitations of the State budget,  
13 comprehensive medical and other health care services for all children from the age of 1 year  
14 up through and including the age of 5 years whose family income falls below 133 percent of  
15 the poverty level, as permitted by the federal law;

16 (vi) Beginning on January 1, 2014, shall provide, subject to the  
17 limitations of the State budget, comprehensive medical care and other health care services  
18 for all children who are at least 6 years of age but are under 19 years of age whose family  
19 income falls below 133 percent of the poverty level, as permitted by federal law;

20 (vii) Shall provide, subject to the limitations of the State budget,  
21 comprehensive medical care and other health care services for all legal immigrants who  
22 meet Program eligibility standards and who arrived in the United States before August 22,  
23 1996, the effective date of the federal Personal Responsibility and Work Opportunity  
24 Reconciliation Act, as permitted by federal law;

25 (viii) Shall provide, subject to the limitations of the State budget and  
26 any other requirements imposed by the State, comprehensive medical care and other health  
27 care services for all legal immigrant children under the age of 18 years and pregnant women  
28 who meet Program eligibility standards and who arrived in the United States on or after  
29 August 22, 1996, the effective date of the federal Personal Responsibility and Work  
30 Opportunity Reconciliation Act;

31 (ix) Beginning on January 1, 2014, shall provide, subject to the  
32 limitations of the State budget, and as permitted by federal law, medical care and other  
33 health care services for adults whose annual household income is at or below 133 percent  
34 of the poverty level;

35 (x) Subject to the limitations of the State budget, and as permitted  
36 by federal law:

37 1. Shall provide comprehensive medical care and other

1 health care services for former foster care adolescents who, on their 18th birthday, were in  
2 foster care under the responsibility of the State and are not otherwise eligible for Program  
3 benefits;

4                                   2.     May provide comprehensive medical care and other health  
5 care services for former foster care adolescents who, on their 18th birthday, were in foster  
6 care under the responsibility of any other state or the District of Columbia; and

7                                   3.     May provide comprehensive dental care for former foster  
8 care adolescents who, on their 18th birthday, were in foster care under the responsibility  
9 of the State;

10                               (xi)    May include bedside nursing care for eligible Program recipients;  
11 [and]

12                               (xii) Shall provide services in accordance with funding restrictions  
13 included in the annual State budget bill; AND

14                               **(XIII) BEGINNING ON JANUARY 1, 2020, MAY PROVIDE, SUBJECT**  
15 **TO THE LIMITATIONS OF THE STATE BUDGET, AND AS ALLOWED BY FEDERAL LAW,**  
16 **CLINICAL SERVICES PROVIDED BY CERTIFIED PEER RECOVERY SPECIALISTS TO**  
17 **INDIVIDUALS WITH SUBSTANCE USE DISORDERS OR MENTAL HEALTH DISORDERS.**

18                               (3)    Subject to restrictions in federal law or waivers, the Department may:

19                               (i)     Impose cost-sharing on Program recipients; and

20                               (ii)    For adults who do not meet requirements for a federal category  
21 of eligibility for Medicaid:

22                                       1.     Cap enrollment; and

23                                       2.     Limit the benefit package.

24                               (4)    Subject to the limitations of the State budget, the Department shall  
25 implement the provisions of Title II of the federal Patient Protection and Affordable Care  
26 Act, as amended by the federal Health Care and Education Reconciliation Act of 2010, to  
27 include:

28                               (i)     Parents and caretaker relatives who have a dependent child  
29 living in the parents' or caretaker relatives' home; and

30                               (ii)    Adults who do not meet requirements, such as age, disability, or  
31 parent or caretaker relative of a dependent child, for a federal category of eligibility for  
32 Medicaid and who are not enrolled in the federal Medicare program, as enacted by Title  
33 XVII of the Social Security Act.

1           SECTION 2. AND BE IT FURTHER ENACTED, That if the Secretary of Health  
2 adopts regulations to implement the provisions of § 15–103(a)(2)(xiii) of the  
3 Health – General Article, as enacted by Section 1 of this Act, the Secretary of Health shall  
4 develop the regulations with input from the Behavioral Health Administration, the Health  
5 Care Financing division of the Maryland Department of Health, community–based  
6 behavioral health providers, certified peer recovery specialists, and other stakeholders.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2018.