

HOUSE BILL 1091

J1

0lr2346
CF SB 863

By: **Delegates McKay, Beitzel, and Buckel**
Introduced and read first time: February 6, 2020
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Long–Term Care Services and**
3 **Supports – Personal Needs Allowance**

4 FOR the purpose of requiring the Maryland Department of Health to establish a personal
5 needs allowance of not less than a certain amount for certain Maryland Medical
6 Assistance Program recipients who receive certain long–term care services and
7 supports; and generally relating to the personal needs allowance under the Maryland
8 Medical Assistance Program.

9 BY repealing and reenacting, with amendments,
10 Article – Health – General
11 Section 15–122.3
12 Annotated Code of Maryland
13 (2019 Replacement Volume)

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

16 **Article – Health – General**

17 15–122.3.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Available income” means the portion of income of a Program recipient
20 that the Program recipient is required to contribute to the cost of care for the Program
21 recipient under the Program.

22 (3) “Disabled person” has the meaning stated in § 13–101 of the Estates
23 and Trusts Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (4) “Guardian” means:

2 (i) A guardian of the person; or

3 (ii) A guardian of the property.

4 (5) “Guardian of the person” means a person who has been appointed by a
5 court as a guardian of the person of a disabled person under § 13–705 of the Estates and
6 Trusts Article.

7 (6) “Guardian of the property” means a person who has been appointed by
8 a court as a guardian of the property of a disabled person under § 13–201 of the Estates
9 and Trusts Article.

10 (7) “Guardianship services” means services provided to a recipient who is
11 a disabled person by a guardian while acting in the capacity as a guardian.

12 (8) “Recipient” means a Program recipient who receives long-term care
13 services and supports under the Program.

14 **(B) WHEN DETERMINING THE AVAILABLE INCOME OF A RECIPIENT WHO IS**
15 **AN AGED, BLIND, OR DISABLED PERSON, THE DEPARTMENT SHALL ESTABLISH A**
16 **PERSONAL NEEDS ALLOWANCE OF NOT LESS THAN:**

17 **(1) \$450 PER MONTH; OR**

18 **(2) \$5,400 PER YEAR.**

19 **[(b)] (C)** Subject to subsection **[(c)] (D)** of this section, when determining the
20 available income of a recipient who is a disabled person and has a guardian, the
21 Department shall include as part of the personal needs allowance guardianship fees
22 payable for guardianship services.

23 **[(c)] (D)** The personal needs allowance for guardianship fees shall be as follows:

24 (1) If one person is serving as both the guardian of the person and the
25 guardian of the property of the recipient, the personal needs allowance shall be \$50 per
26 month; and

27 (2) If one person is serving as the guardian of the person of the recipient
28 and a different person is serving as the guardian of the property of the recipient, the
29 personal needs allowance shall be \$50 per month for each guardian.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2020.