

HOUSE BILL 1149

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CF SB 622

By: **Delegates Pena–Melnik, Cullison, Kelly, Lehman, and Taveras**

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Medicaid Waiver Programs – Waitlist and Registry Reduction**
3 **(End the Wait Act)**

4 FOR the purpose of authorizing certain Medicaid funding to be used for hiring and
5 retaining providers in certain waiver programs; altering the uses of certain funding
6 appropriated to the Dedicated Purpose Account in the fiscal year 2023 budget bill;
7 and generally relating to Medicaid waiver programs.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 15–150
11 Annotated Code of Maryland
12 (2019 Replacement Volume and 2022 Supplement)

13 BY repealing and reenacting, with amendments,
14 Chapter 484 of the Acts of the General Assembly of 2022
15 Supplemental Budget No. 5, Item 14

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

18 **Article – Health – General**

19 15–150.

20 (a) (1) (i) The Department shall develop plans to reduce the waitlists for
21 the following waiver programs by 50%, beginning in fiscal year 2024:

22 1. The Community Pathways Waiver;

23 2. The Community Supports Waiver;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 3. The Family Supports Waiver;
- 2 4. The Brain Injury Waiver;
- 3 5. The Home– and Community–Based Options Waiver;
- 4 6. The Medical Day Care Services Waiver; and
- 5 7. The Model Waiver for Medically Fragile Children.

6 (ii) The Department shall develop a plan to reduce the registry for
7 the Autism Waiver that includes conducting eligibility determinations of individuals on the
8 registry and, beginning in fiscal year 2024, providing services to at least 50% of individuals
9 determined eligible.

10 (2) The plans required under this subsection shall include:

11 (i) An assessment of whether each waiver program needs to recruit
12 and retain new providers;

13 (ii) Measures to recruit and retain providers for each waiver
14 program to expand the capacity of the programs;

15 (iii) Any changes in reimbursement rates needed to ensure provider
16 capacity to provide services under the waiver programs;

17 (iv) The expected time frame for conducting eligibility
18 determinations for the Autism Waiver;

19 (v) The expected time frame for reducing the waitlist or registry for
20 each waiver program by 50%; and

21 (vi) The projected cost of the measures to be implemented under the
22 plans.

23 (3) Provisions of the plans relating to the Autism Waiver shall be developed
24 in conjunction with the Maryland State Department of Education.

25 (b) On or before January 1, 2023, the Department shall submit the plans to the
26 Governor and, in accordance with § 2–1257 of the State Government Article, the chairs of
27 the Senate Budget and Taxation Committee, the Senate Education, Health, and
28 Environmental Affairs Committee, the Senate Finance Committee, the House
29 Appropriations Committee, and the House Health and Government Operations Committee.

30 (c) **(1)** Beginning in fiscal year 2024, the Governor shall include in the annual
31 budget bill sufficient funds to carry out this section.

1 (2) FUNDING INCLUDED IN THE ANNUAL BUDGET BILL UNDER
2 PARAGRAPH (1) OF THIS SUBSECTION MAY BE ALLOCATED TO PROGRAMS
3 IDENTIFIED UNDER SUBSECTION (A) OF THIS SECTION FOR THE PURPOSE OF HIRING
4 AND RETAINING PROVIDERS.

5 Chapter 484 of the Acts of 2022
6 Supplemental Budget No. 5

7 14. Y01A02.01 Dedicated Purpose Account

8 In addition to the appropriation shown on page 135 of the printed bill (first reading
9 file bill), to provide funding to support legislative operating budget priorities. Following
10 Legislative Policy Committee review, the Department of Budget and Management shall
11 process a budget amendment effective July 1, 2022 transferring most of the funds listed
12 below to the appropriate budgeted programs.

13	(1)	Apprenticeships	25,000,000
14	(2)	[Autism Waiver Expansions] MEDICAID WAIVER	
15	EXPANSIONS		30,000,000
16	(3)	New Unified Financial Aid System for Higher Education	8,000,000
17	(4)	M00A01.01 Hospital Assistance/Workforce Support	50,000,000
18	(5)	T00G00.02 Tourism Grants	10,000,000
19	(6)	T00G00.05 Arts Grants	40,000,000
20	(7)	N00G00.08 Additional Benefit – Temporary Cash Assistance and	
21	Temporary Disability Assistance Program		35,000,000
22	(8)	M00A01.01 Assisted Living Facilities	20,000,000
23	(9)	M00A01.01 Assistance to Nursing Homes	20,000,000
24	(10)	T00F00.29 Western Maryland Economic Future Investment	
25	Program		20,000,000
26	(11)	D40W01.12 Historic Revitalization Tax Credit	10,000,000
27	(12)	R75T00.01 Implement Strategic Plan for the Universities at Shady	
28	Grove		5,000,000

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1	(13)	R00A01.01	Bonus	–	Noncertificated	Education	Support	
2	Professionals	8,000,000
3	(14)	T00F00.15	Small, Minority, Women–Owned	Businesses	Account for			
4	Fund Managers	.....	.....	.....	.....	.....	.....	4,000,000
5	(15)	M00A01.01	Pediatric Cancer	Research	.....	.....	.....	5,000,000
6	(16)	D15A05.05	Expand Maryland Corps	Program	.....	.....	.....	5,000,000
7	(17)	M00F02.01	Loan Assistance Repayment	Programs for Physicians and				
8	Physicians Assistants	.....	.....	.....	.....	.....	.....	3,000,000
9	(18)	R62I00.54	Loan Assistance Repayment	Programs for Nurses and				
10	Nurses Assistants	.....	.....	.....	.....	.....	.....	1,000,000
11	(19)	R00A02.07	Non–Public	Special	Education	School	Teacher	
12	Salaries	.....	.....	.....	.....	.....	.....	4,000,000
13	(20)	M00F03.04	Enhanced Alzheimer’s	Services and Research	.....	.....	.....	3,500,000
14	(21)	W00A01.03	Establish Maryland State	Police Gun Center	.....	.....	.....	3,400,000
15	(22)	D21A01.04	Grants to	Violence	Prevention	and	Interruption	
16	Organizations	.....	.....	.....	.....	.....	.....	2,500,000
17	(23)	R62I00	Formerly Incarcerated	Youth Grant Program	.....	.....	.....	1,200,000
18	(24)	S00A24.02	Baltimore Regional	Neighborhood Initiative	.....	.....	.....	1,040,000
19	(25)	S00A24.02	National Capital	Strategic	Economic	Development		
20	Fund	.....	.....	.....	.....	.....	.....	1,000,000
21	(26)	D38I01.02	State Board of Elections	Public Communications for	General			
22	Election	.....	.....	.....	.....	.....	.....	500,000
23	(27)	C00A00.06	Prosecutorial	Transparency Reporting	.....	.....	.....	600,000
24	(28)	D05E01.11	State Center	Redevelopment Plan	.....	.....	.....	500,000
25	(29)	Q00C02.01	Parole & Probation	review murders of offenders	under			
26	supervision	.....	.....	.....	.....	.....	.....	323,000
27	(30)	T00F00.04	Maryland New Start	Act	.....	.....	.....	175,000
28	(31)	A15O00.01	Disparity Grant	Funding	.....	.....	.....	15,368,715

1	(32)	J00A01.03	Street and Sidewalk Improvements to Comply with	
2			Americans with Disabilities Act – Baltimore City	10,000,000
3	(33)	W00A01.02	Grants to Police Departments to Acquire License Plate	
4			Readers	5,000,000
5	(34)	E50C00.08	Homeowner Protection Fund	1,300,000
6	(35)	R00A02.13	Learning in Extended Academic Programs	
7			(LEAP)	4,500,000
8	(36)	D21A02.01	Local Management Boards	1,500,000
9	(37)	D21A01.01	Grants to Domestic Violence Centers	3,000,000
10	(38)	M00L01.02	Operating Grant to Center for Neuroscience of Social	
11			Injustice at the Kennedy Krieger Institute	2,250,000
12	(39)	M00L01.02	Greater Baltimore Regional Integrated Crisis	
13			System	2,000,000
14	(40)	M00A01.01	Grant to Children’s National Hospital	1,500,000
15	(41)	R00A03.01	Funds to Initiate Maryland School for the Blind Pay	
16			Plan	1,200,000
17	(42)	D21A01.01	Grants to Police Departments to Coordinate Task Forces	
18			that Cross Jurisdictional Boundaries	1,000,000
19	(43)	V00E01.01	Grant to ROCA for Operations Outside	
20			Baltimore City	1,000,000
21	(44)	M00F01.01	Grant to Vision for Baltimore	1,000,000
22	(45)	R00A02.13	Operating Grant to Thread	750,000
23	(46)	R75T00.01	Grant to the University of Baltimore’s Schaefer Center for	
24			Public Policy	575,102
25	(47)	L00A01.02	Pride of Baltimore	300,000
26	(48)	R75T00.01	Bowie State University	50,000
27			Object. 12 Grants, Subsidies and Contributions	370,031,817

28 General Fund Appropriation, provided that no less than \$317,031,817 of this
 29 appropriation shall be transferred by budget amendment by July 1, 2022, in accordance

1 with the programs and funding amounts allocated in the purpose detail of this
2 supplemental appropriation. Funds for apprenticeships and development of a new unified
3 financial aid system for higher education along with \$20,000,000 of the funds for expansion
4 of the autism waiver shall be transferred when agencies incur related expenses.

5 Further provided that no more than \$250,000 of the appropriation made for
6 apprenticeships shall be used to support fiscal 2023 administrative costs associated with
7 public safety, transportation, health care, and higher education apprenticeship workgroups
8 operated by the Maryland Department of Labor.

9 Further provided that at least \$10,000,000 of the appropriation made for [autism
10 waiver expansions] **MEDICAID WAIVER EXPANSIONS** shall be transferred by budget
11 amendment in fiscal 2023 to program R00A02.07 Students with Disabilities. It is the
12 intention of the legislature that the Maryland Department of Health and the Maryland
13 State Department of Education shall apply to the Centers for Medicare & Medicaid Services
14 for an addendum to expand the current waiver by 1,350 slots. **THE REMAINING FUNDING**
15 **OF THE APPROPRIATION MADE FOR MEDICAID WAIVER EXPANSIONS MAY BE USED**
16 **FOR THE PURPOSE OF HIRING AND RETAINING PROVIDERS IN THE COMMUNITY**
17 **PATHWAYS WAIVER, THE COMMUNITY SUPPORTS WAIVER, THE FAMILY SUPPORTS**
18 **WAIVER, THE BRAIN INJURY WAIVER, THE HOME- AND COMMUNITY-BASED**
19 **OPTIONS WAIVER, THE MEDICAL DAY CARE SERVICES WAIVER, THE MODEL**
20 **WAIVER FOR MEDICALLY FRAGILE CHILDREN, AND THE AUTISM WAIVER.**

21 Further provided that the \$50,000,000 appropriation made for program M00A01.01
22 Executive Direction for the purpose of hospital assistance/workforce support shall be
23 allocated to acute and psychiatric care hospitals based on a plan developed by the Health
24 Services Cost Review Commission.

25 Further provided that the \$40,000,000 appropriation made for program T00G00.05
26 Maryland State Arts Council for the purpose of supporting Arts Grants shall be allocated
27 by the Maryland State Arts Council and can include, but should not be limited to, entities
28 traditionally funded by the council. The funds shall not be included in the fiscal 2024
29 calculation of Arts Council formula funding.

30 Further provided that the \$35,000,000 appropriation made for program N00G00.08
31 Assistance Payments shall be used to provide a \$45 per recipient per month additional
32 benefit for Temporary Cash Assistance and Temporary Disability Assistance Program
33 recipients.

34 Further provided that the \$20,000,000 appropriation made for program T00F00.29
35 Rural Maryland Economic Development shall be used to provide a grant to the Western
36 Maryland Economic Future Investment Board for the Western Maryland Economic Future
37 Investment Fund to be used for grants and loans for capital infrastructure projects and
38 business development projects that improve economic conditions in the region and expenses
39 necessary to administer the grants and loans contingent upon enactment of SB 474 or HB
40 838 establishing the fund.

1 Further provided that the \$10,000,000 appropriation made for program D40W01.12
2 Maryland Historic Revitalization Tax Credit shall be used to provide continued and
3 expanded funding for the Historic Revitalization Tax Credit Program.

4 Further provided that the \$8,000,000 appropriation made for program R00A01.01
5 Office of the State Superintendent shall be used to provide noncertificated education
6 support professionals with a \$500 bonus.

7 Further provided that the \$4,000,000 appropriation made for program T00F00.15
8 Small, Minority, and Women–Owned Businesses Account shall be split equally among the
9 fund managers.

10 Further provided that the \$5,000,000 appropriation made for program M00A01.01
11 Executive Direction to provide pediatric cancer research grants shall be contingent upon
12 enactment of SB51 or HB775 establishing the Maryland Pediatric Cancer Fund.

13 Further provided that the \$1,000,000 appropriation made for program R62I00.54 to
14 fund Loan Assistance Repayment Programs For Nurses and Nursing Assistants shall be
15 transferred, contingent upon the enactment of SB 696 or HB 975 establishing the program
16 within the Maryland Department of Health, instead to program M00F02.01 Office of
17 Population Health Improvement for the Maryland Loan Assistance Repayment Program
18 for Nurses and Nursing Workers.

19 Further provided that the \$3,500,000 appropriation made for program M00F03.04
20 Family Health and Chronic Disease services to provide funding for enhanced Alzheimer’s
21 services and research shall be expended in a manner consistent with the implementation
22 of the recommendations of the Virginia I. Jones Alzheimer’s Council.

23 Further provided that the \$3,400,000 appropriation made for program W00A01.03
24 Criminal Investigation Bureau to establish the Maryland State Police Gun Center within
25 the Department of State Police shall be contingent upon the enactment of SB 861.

26 Further provided that the \$1,200,000 appropriation made for program R62I00 to
27 fund the Formerly Incarcerated Youth Grant Program, providing such students who receive
28 Pell Grants with an additional grant award of up to \$3,000, shall be contingent upon
29 enactment of SB 904.

30 Further provided that \$40,000 of the appropriation made for program S00A24.02
31 Neighborhood Revitalization – Capital for the Baltimore Regional Neighborhood Initiative
32 may be expended only for a grant to Southeast Community Development Corporation.

33 Further provided that the \$600,000 appropriation made for program C00A00.06
34 Administrative Office of the Courts shall be contingent upon enactment of SB 763 or HB
35 1429.

1 Further provided that the \$500,000 appropriation made for program D05E01.11
2 Miscellaneous Grants to Local Governments may only be expended to provide a grant to
3 the Baltimore City Department of Planning for the creation of a redevelopment plan for
4 State Center.

5 Further provided that the \$323,000 appropriation made for program Q00C02.01
6 Division of Parole and Probation – Support Services may only be used to support new
7 personnel assigned to examine and review murders involving offenders who are supervised
8 by the division. Further provided that by December 31, 2022, and annually thereafter, the
9 division must report to the budget committees, along with the Senate Judicial Proceedings
10 Committee and the House Judiciary Committee, on (1) agency activities intended to reduce
11 the number of murders involving supervised offenders; (2) actions taken to examine and
12 review murders, including policy and program recommendations made to the Secretary;
13 and (3) the number of supervised offenders who were shooting victims, homicide victims,
14 or charged with or identified as suspects in specified crimes.

15 Further provided that the \$175,000 appropriation made for program T00F00.04
16 Office of Business Development may only be expended to fund operating expenses
17 associated with establishing the Maryland New Start Grant Program and Maryland New
18 Start Microloan Program contingent upon enactment of SB 554 or HB 158.

19 Further provided that the \$15,368,715 appropriation made for program A15O00.01
20 Disparity Grants may only be expended to provide supplemental funding allocated in the
21 following amounts:

- 22 (a) \$11,316,425 to Baltimore City;
- 23 (b) \$726,821 to Caroline County;
- 24 (c) \$1,386,458 to Cecil County;
- 25 (d) \$819,998 to Somerset County; and
- 26 (e) \$1,119,013 to Wicomico County.

27 Further provided that the \$1,000,000 appropriation made for program M00F01.01
28 Executive Direction may only be expended to provide a grant to the Baltimore City Health
29 Department for the Vision for Baltimore program.

30 Further provided that the \$500,000 appropriation made for the Pride of Baltimore
31 may only be transferred by budget amendment in fiscal 2023 to program J00A01.02
32 Operating Grants-in-Aid to provide a Secretary’s grant to the Pride of Baltimore.

33 Further provided that the \$50,000 appropriation made for program R75T00.01
34 Support for State Operated Institutions of Higher Education may only be expended to
35 provide funding to Bowie State University (R30B23) for a project specialist to staff the
36 Maryland Truth and Reconciliation Commission.....370,031,817

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2023.