

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 627
Finance

(Senator Lam)

Maryland Medical Assistance Program - Emergency Dialysis Services

This bill requires Medicaid, beginning January 1, 2025, to provide coverage for specified dialysis services for noncitizen individuals with end-stage renal disease (ESRD) who would be eligible for Medicaid but for their immigration status. Coverage must be provided for outpatient dialysis services when a treating physician has certified for the month in which services are received that failure to receive dialysis at least three times per week would reasonably be expected to result in (1) the individual's health being placed in serious jeopardy; (2) serious impairment of bodily function; or (3) serious dysfunction of a body part or organ.

Fiscal Summary

State Effect: None. The bill codifies existing Medicaid policy.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: In most cases, a noncitizen must be a qualified alien to receive Medicaid coverage. However, emergency medical services are provided for nonqualified or undocumented noncitizens who would otherwise meet financial eligibility for Medicaid. Maryland Medicaid provides coverage for both emergency medical services provided in the hospital (as specified under COMAR 10.09.24.05-2) and dialysis at freestanding facilities.

Dialysis is a covered benefit when prescribed by a Maryland Medicaid provider and approved by Maryland Medicaid (or through its designee). Approval is for up to 12-months with 12-month renewable certification periods (whereas other emergency medical services require certification each time they are received). The frequency of weekly dialysis service and length of dialysis treatment are determined by the provider and based on the degree of ESRD. Medicaid is in the process of releasing clarifying guidance to providers regarding coverage for these services under existing policy.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the prior three years.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - March 9, 2023
km/ljm

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