

# HOUSE BILL 1149

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CF SB 622

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By: Delegates Pena-Melnyk, Cullison, Kelly, Lehman, ~~and Taveras~~ Taveras, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Reilly, Rosenberg, White, and Woods

Introduced and read first time: February 10, 2023

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2023

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

4 FOR the purpose of requiring certain Medicaid funding to be used to provide community  
5 services to individuals waiting for services through certain waiver programs;  
6 authorizing certain Medicaid funding to be used for ~~hiring and retaining providers~~  
7 expanding provider capacity in certain waiver programs; altering the uses of certain  
8 funding appropriated to the Dedicated Purpose Account in the fiscal year 2023  
9 budget bill; and generally relating to Medicaid waiver programs.

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 15–150  
13 Annotated Code of Maryland  
14 (2019 Replacement Volume and 2022 Supplement)

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

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

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



**Article – Health – General**

15–150.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14. Y01A02.01 Dedicated Purpose Account

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

(1)	Apprenticeships .....	25,000,000
(2)	[Autism Waiver Expansions] <b>MEDICAID WAIVER EXPANSIONS</b> .....	30,000,000
(3)	New Unified Financial Aid System for Higher Education .....	8,000,000
(4)	M00A01.01 Hospital Assistance/Workforce Support .....	50,000,000
(5)	T00G00.02 Tourism Grants .....	10,000,000
(6)	T00G00.05 Arts Grants .....	40,000,000
(7)	N00G00.08 Additional Benefit – Temporary Cash Assistance and Temporary Disability Assistance Program .....	35,000,000
(8)	M00A01.01 Assisted Living Facilities .....	20,000,000

1	(9)	M00A01.01 Assistance to Nursing Homes .....	20,000,000
2	(10)	T00F00.29 Western Maryland Economic Future Investment	
3	Program .....		20,000,000
4	(11)	D40W01.12 Historic Revitalization Tax Credit .....	10,000,000
5	(12)	R75T00.01 Implement Strategic Plan for the Universities at Shady	
6	Grove .....		5,000,000
7	(13)	R00A01.01 Bonus – Noncertificated Education Support	
8	Professionals .....		8,000,000
9	(14)	T00F00.15 Small, Minority, Women–Owned Businesses Account for	
10	Fund Managers .....		4,000,000
11	(15)	M00A01.01 Pediatric Cancer Research .....	5,000,000
12	(16)	D15A05.05 Expand Maryland Corps Program .....	5,000,000
13	(17)	M00F02.01 Loan Assistance Repayment Programs for Physicians and	
14	Physicians Assistants .....		3,000,000
15	(18)	R62I00.54 Loan Assistance Repayment Programs for Nurses and	
16	Nurses Assistants .....		1,000,000
17	(19)	R00A02.07 Non–Public Special Education School Teacher	
18	Salaries .....		4,000,000
19	(20)	M00F03.04 Enhanced Alzheimer’s Services and Research .....	3,500,000
20	(21)	W00A01.03 Establish Maryland State Police Gun Center .....	3,400,000
21	(22)	D21A01.04 Grants to Violence Prevention and Interruption	
22	Organizations .....		2,500,000
23	(23)	R62I00 Formerly Incarcerated Youth Grant Program .....	1,200,000
24	(24)	S00A24.02 Baltimore Regional Neighborhood Initiative .....	1,040,000
25	(25)	S00A24.02 National Capital Strategic Economic Development	
26	Fund .....		1,000,000
27	(26)	D38I01.02 State Board of Elections Public Communications for General	
28	Election .....		500,000
29	(27)	C00A00.06 Prosecutorial Transparency Reporting .....	600,000

1	(28)	D05E01.11 State Center Redevelopment Plan .....	500,000
2	(29)	Q00C02.01 Parole & Probation review murders of offenders under	
3		supervision .....	323,000
4	(30)	T00F00.04 Maryland New Start Act .....	175,000
5	(31)	A15O00.01 Disparity Grant Funding .....	15,368,715
6	(32)	J00A01.03 Street and Sidewalk Improvements to Comply with	
7		Americans with Disabilities Act – Baltimore City .....	10,000,000
8	(33)	W00A01.02 Grants to Police Departments to Acquire License Plate	
9		Readers .....	5,000,000
10	(34)	E50C00.08 Homeowner Protection Fund .....	1,300,000
11	(35)	R00A02.13 Learning in Extended Academic Programs	
12		(LEAP) .....	4,500,000
13	(36)	D21A02.01 Local Management Boards .....	1,500,000
14	(37)	D21A01.01 Grants to Domestic Violence Centers .....	3,000,000
15	(38)	M00L01.02 Operating Grant to Center for Neuroscience of Social	
16		Injustice at the Kennedy Krieger Institute .....	2,250,000
17	(39)	M00L01.02 Greater Baltimore Regional Integrated Crisis	
18		System .....	2,000,000
19	(40)	M00A01.01 Grant to Children’s National Hospital .....	1,500,000
20	(41)	R00A03.01 Funds to Initiate Maryland School for the Blind Pay	
21		Plan .....	1,200,000
22	(42)	D21A01.01 Grants to Police Departments to Coordinate Task Forces	
23		that Cross Jurisdictional Boundaries .....	1,000,000
24	(43)	V00E01.01 Grant to ROCA for Operations Outside	
25		Baltimore City .....	1,000,000
26	(44)	M00F01.01 Grant to Vision for Baltimore .....	1,000,000
27	(45)	R00A02.13 Operating Grant to Thread .....	750,000

1	(46)	R75T00.01 Grant to the University of Baltimore's Schaefer Center for	
2		Public Policy .....	575,102
3	(47)	L00A01.02 Pride of Baltimore .....	300,000
4	(48)	R75T00.01 Bowie State University .....	50,000
5		Object. 12 Grants, Subsidies and Contributions .....	370,031,817

6 General Fund Appropriation, provided that no less than \$317,031,817 of this  
7 appropriation shall be transferred by budget amendment by July 1, 2022, in accordance  
8 with the programs and funding amounts allocated in the purpose detail of this  
9 supplemental appropriation. Funds for apprenticeships and development of a new unified  
10 financial aid system for higher education along with \$20,000,000 of the funds for expansion  
11 of the autism waiver shall be transferred when agencies incur related expenses.

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

16 Further provided that at least \$10,000,000 of the appropriation made for [autism  
17 waiver expansions] **MEDICAID WAIVER EXPANSIONS** shall be transferred by budget  
18 amendment in fiscal 2023 to program R00A02.07 Students with Disabilities. It is the  
19 intention of the legislature that the Maryland Department of Health and the Maryland  
20 State Department of Education shall apply to the Centers for Medicare & Medicaid Services  
21 for an addendum to expand the current waiver by 1,350 slots. **THE REMAINING FUNDING**  
22 **OF THE APPROPRIATION MADE FOR MEDICAID WAIVER EXPANSIONS ~~MAY BE USED~~**  
23 **~~FOR THE PURPOSE OF HIRING AND RETAINING PROVIDERS~~ SHALL BE USED TO**  
24 **PROVIDE COMMUNITY SERVICES TO INDIVIDUALS WAITING FOR SERVICES THROUGH**  
25 **THE COMMUNITY PATHWAYS WAIVER, THE COMMUNITY SUPPORTS WAIVER, THE**  
26 **FAMILY SUPPORTS WAIVER, THE BRAIN INJURY WAIVER, THE HOME- AND**  
27 **COMMUNITY-BASED OPTIONS WAIVER, THE MEDICAL DAY CARE SERVICES**  
28 **WAIVER, AND THE MODEL WAIVER FOR MEDICALLY FRAGILE CHILDREN. A**  
29 **PORTION OF THESE FUNDS MAY BE USED FOR THE PURPOSE OF EXPANDING**  
30 **PROVIDER CAPACITY IN THE COMMUNITY PATHWAYS WAIVER, THE COMMUNITY**  
31 **SUPPORTS WAIVER, THE FAMILY SUPPORTS WAIVER, THE BRAIN INJURY WAIVER,**  
32 **THE HOME- AND COMMUNITY-BASED OPTIONS WAIVER, THE MEDICAL DAY CARE**  
33 **SERVICES WAIVER, THE MODEL WAIVER FOR MEDICALLY FRAGILE CHILDREN,**  
34 **AND THE AUTISM WAIVER, INCLUDING HIRING AND RETAINING STAFF AND**  
35 **PROVIDERS, INCREASING PROVIDER RATES, AND ADDRESSING OTHER ISSUES THAT**  
36 **LIMIT PROVIDER CAPACITY.**

37 Further provided that the \$50,000,000 appropriation made for program M00A01.01  
38 Executive Direction for the purpose of hospital assistance/workforce support shall be

1 allocated to acute and psychiatric care hospitals based on a plan developed by the Health  
2 Services Cost Review Commission.

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

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

12 Further provided that the \$20,000,000 appropriation made for program T00F00.29  
13 Rural Maryland Economic Development shall be used to provide a grant to the Western  
14 Maryland Economic Future Investment Board for the Western Maryland Economic Future  
15 Investment Fund to be used for grants and loans for capital infrastructure projects and  
16 business development projects that improve economic conditions in the region and expenses  
17 necessary to administer the grants and loans contingent upon enactment of SB 474 or HB  
18 838 establishing the fund.

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

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

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

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

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

37 Further provided that the \$3,500,000 appropriation made for program M00F03.04  
38 Family Health and Chronic Disease services to provide funding for enhanced Alzheimer's

services and research shall be expended in a manner consistent with the implementation of the recommendations of the Virginia I. Jones Alzheimer's Council.

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

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

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

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

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

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

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

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

(a) \$11,316,425 to Baltimore City;



- (b) \$726,821 to Caroline County;
- (c) \$1,386,458 to Cecil County;
- (d) \$819,998 to Somerset County; and
- (e) \$1,119,013 to Wicomico County.

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.