

SENATE BILL 1081

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CF HB 1083

By: **Senators Madaleno, Astle, Benson, Brochin, Conway, Currie, Feldman, Ferguson, Guzzone, Kagan, Kasemeyer, Kelley, King, Lee, Manno, Mathias, McFadden, Middleton, Nathan–Pulliam, Oaks, Pinsky, Robinson, Rosapepe, Smith, Young, Zirkin, and Zucker**

Introduced and read first time: February 15, 2017

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Health – Family Planning Services – Continuity of Care**

3 FOR the purpose of establishing the Family Planning Program in the Department of Health
4 and Mental Hygiene; providing for the purpose of the Program; requiring the
5 Program to provide family planning services to certain individuals through certain
6 providers; authorizing the Department to adopt certain regulations; requiring that
7 funding used to support family planning services under the Program shall be in
8 addition to certain funding; requiring the Maryland Medical Assistance Program to
9 ensure access to and the continuity of services provided by certain family planning
10 providers in a certain manner; defining certain terms; and generally relating to
11 family planning services.

12 BY adding to

13 Article – Health – General
14 Section 13–3401 and 13–3402 to be under the new subtitle “Subtitle 34. Family
15 Planning Program”
16 Annotated Code of Maryland
17 (2015 Replacement Volume and 2016 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Health – General
20 Section 15–101(a) and (h)
21 Annotated Code of Maryland
22 (2015 Replacement Volume and 2016 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article – Health – General
25 Section 15–102.1(b)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2016 Supplement)

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

5 **Article – Health – General**

6 **SUBTITLE 34. FAMILY PLANNING PROGRAM.**

7 **13-3401.**

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) “FAMILY PLANNING PROVIDERS” MEANS PROVIDERS OF SERVICES:

11 (1) FUNDED UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH
12 SERVICE ACT AS OF DECEMBER 31, 2016; AND

13 (2) THAT LOST ELIGIBILITY FOR TITLE X FUNDING.

14 (C) “FAMILY PLANNING SERVICES” MEANS SERVICES PROVIDED UNDER
15 TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31,
16 2016.

17 (D) “PROGRAM” MEANS THE FAMILY PLANNING PROGRAM ESTABLISHED
18 UNDER § 13-3402 OF THIS SUBTITLE.

19 **13-3402.**

20 (A) THERE IS A FAMILY PLANNING PROGRAM IN THE DEPARTMENT.

21 (B) THE PURPOSE OF THE PROGRAM IS TO ENSURE THE CONTINUITY OF
22 FAMILY PLANNING SERVICES IN THE STATE.

23 (C) THE PROGRAM SHALL PROVIDE FAMILY PLANNING SERVICES TO
24 INDIVIDUALS WHO ARE ELIGIBLE FOR FAMILY PLANNING SERVICES THROUGH
25 FAMILY PLANNING PROVIDERS THAT MEET PROGRAM REQUIREMENTS.

26 (D) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THIS
27 SUBTITLE, INCLUDING REGULATIONS ESTABLISHING REQUIREMENTS FOR FAMILY
28 PLANNING PROVIDERS THAT ARE THE SAME AS THE REQUIREMENTS FOR

1 PROVIDERS OF SERVICES UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH
2 SERVICE ACT.

3 (E) FUNDING USED TO SUPPORT FAMILY PLANNING SERVICES UNDER THE
4 PROGRAM SHALL BE IN ADDITION TO ANY FUNDING APPLIED BY THE DEPARTMENT
5 BEFORE DECEMBER 31, 2016, TO THE MAINTENANCE OF EFFORT REQUIREMENT
6 FOR FEDERAL FUNDING UNDER TITLE X OF THE FEDERAL PUBLIC HEALTH
7 SERVICE ACT.

8 15-101.

9 (a) In this title the following words have the meanings indicated.

10 (h) "Program" means the Maryland Medical Assistance Program.

11 15-102.1.

12 (b) The Department shall, to the extent permitted, subject to the limitations of
13 the State budget:

14 (1) Provide a comprehensive system of quality health care services with an
15 emphasis on prevention, education, individualized care, and appropriate case management;

16 (2) Develop a prenatal care program for Program recipients and encourage
17 its utilization;

18 (3) Allocate State resources for the Program to provide a balanced system
19 of health care services to the population served by the Program;

20 (4) Seek to coordinate the Program activities with other State programs
21 and initiatives that are necessary to address the health care needs of the population served
22 by the Program;

23 (5) Promote Program policies that facilitate access to and continuity of care
24 by encouraging:

25 (i) Provider availability throughout the State;

26 (ii) Consumer education;

27 (iii) The development of ongoing relationships between Program
28 recipients and primary health care providers; and

29 (iv) The regular review of the Program's regulations to determine
30 whether the administrative requirements of those regulations are unnecessarily
31 burdensome on Program providers;

1 **(6) ENSURE ACCESS TO AND THE CONTINUITY OF SERVICES**
2 **PROVIDED BY FAMILY PLANNING PROVIDERS THAT RECEIVED FUNDING UNDER**
3 **TITLE X OF THE FEDERAL PUBLIC HEALTH SERVICE ACT AS OF DECEMBER 31,**
4 **2016, BY:**

5 **(I) REIMBURSING FOR THE PROGRAM SERVICES PROVIDED;**
6 **AND**

7 **(II) ESTABLISHING PROGRAM REQUIREMENTS FOR THE**
8 **FAMILY PLANNING PROVIDERS THAT ARE THE SAME AS REQUIREMENTS FOR OTHER**
9 **PROVIDERS OF THE SAME SERVICES;**

10 **[(6)] (7)** Strongly urge health care providers to participate in the Program
11 and thereby address the needs of Program recipients;

12 **[(7)] (8)** Require health care providers who participate in the Program to
13 provide access to Program recipients on a nondiscriminatory basis in accordance with State
14 and federal law;

15 **[(8)] (9)** Seek to provide appropriate levels of reimbursement for
16 providers to encourage greater participation by providers in the Program;

17 **[(9)] (10)** Promote individual responsibility for maintaining good health
18 habits;

19 **[(10)] (11)** Encourage the Program and Maryland's health care regulatory
20 system to work to cooperatively promote the development of an appropriate mix of health
21 care providers, limit cost increases for the delivery of health care to Program recipients,
22 and ensure the delivery of quality health care to Program recipients;

23 **[(11)] (12)** Encourage the development and utilization of cost-effective and
24 preventive alternatives to the delivery of health care services to appropriate Program
25 recipients in inpatient institutional settings;

26 **[(12)] (13)** Encourage the appropriate executive agencies to coordinate the
27 eligibility determination, policy, operations, and compliance components of the Program;

28 **[(13)] (14)** Work with representatives of inpatient institutions, third party
29 payors, and the appropriate State agencies to contain Program costs;

30 **[(14)] (15)** Identify and seek to develop an optimal mix of State, federal, and
31 privately financed health care services for Program recipients, within available resources
32 through cooperative interagency efforts;

1 **[(15)] (16)** Develop joint Legislative and Executive Branch strategies to
2 persuade the federal government to reconsider those policies that discourage the delivery
3 of cost-effective health care services to Program recipients;

4 **[(16)] (17)** Evaluate departmental recommendations as to those persons
5 whose financial need or health care needs are most acute;

6 **[(17)] (18)** Establish mechanisms for aggressively pursuing recoveries
7 against third parties permitted under current law and exploring additional methods for
8 seeking to recover other money expended by the Program; and

9 **[(18)] (19)** Take appropriate measures to assure the quality of health care
10 services provided by managed care organizations.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
12 1, 2017.