



STATE OF MARYLAND

DHMH

Office of Health Services
Medical Care Programs

Maryland Department of Health and Mental Hygiene

201 W. Preston Street • Baltimore, Maryland 21201

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

December 30, 2008

Ted Gallagher
Division of Medicaid
Centers for Medicare and Medicaid Services
The Public Ledger Building, 2nd Floor
150 South Independence Mall, West
Philadelphia, Pennsylvania 19106-3499

Re: Maryland State Plan Amendment 09-02

Dear Mr. Gallagher:

Enclosed for your review and approval is Maryland State Plan Amendment 09-03. This amendment provides for the disregard of resources in an amount equal to the insurance benefit payments made to or on behalf of an individual who is a beneficiary under a long-term care insurance policy, in accordance with the provisions of Section 6021 of the Deficit Reduction Act of 2005. We are requesting an effective date of January 1, 2009.

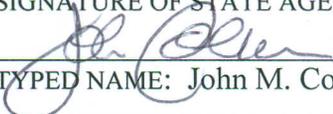
If you have any questions or concerns, please contact Cheryl Camillo, Executive Director, Office of Eligibility Services, at 410-767-6057.

Sincerely,

Lisa N. Fassett
Office of Health Services

Cc: Susan Tucker
Cheryl Camillo
Christina Mainolfi
Jeri Bentley



TRANSMITTAL AND NOTICE OF APPROVAL OF STATE PLAN MATERIAL		1. TRANSMITTAL NUMBER: 09-02	2. STATE Maryland
FOR: CENTERS FOR MEDICARE & MEDICAID SERVICES		3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL SECURITY ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR CENTERS FOR MEDICARE & MEDICAID SERVICES DEPARTMENT OF HEALTH AND HUMAN SERVICES		4. PROPOSED EFFECTIVE DATE January 1, 2009	
5. TYPE OF PLAN MATERIAL (<i>Check One</i>):			
<input type="checkbox"/> NEW STATE PLAN <input type="checkbox"/> AMENDMENT TO BE CONSIDERED AS NEW PLAN <input checked="" type="checkbox"/> AMENDMENT COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN AMENDMENT (<i>Separate Transmittal for each amendment</i>)			
6. FEDERAL STATUTE/REGULATION CITATION: Section 6021 of the Deficit Reduction Act of 2005 Section 1902 (r)(2) of the Social Security Act		7. FEDERAL BUDGET IMPACT: a. FFY <u>2009</u> \$ Unknown b. FFY <u>2010</u> \$ Unknown	
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT: Supplement 8b to Attachment 2.6A, Page 1 Supplement 8c to Attachment 2.6A, Pages 1-2 Page 53b		9. PAGE NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT (<i>If Applicable</i>): Supplement 8b to Attachment 2.6A, Page 1 New New	
10. SUBJECT OF AMENDMENT: Provide for the disregard of resources in an amount equal to the insurance benefit payments made to or on behalf of an individual who is a beneficiary under a long-term care insurance policy, in accordance with the provisions of Section 6021 of the Deficit Reduction Act of 2005.			
11. GOVERNOR'S REVIEW (<i>Check One</i>):			
<input type="checkbox"/> GOVERNOR'S OFFICE REPORTED NO COMMENT <input type="checkbox"/> COMMENTS OF GOVERNOR'S OFFICE ENCLOSED <input type="checkbox"/> NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL		<input checked="" type="checkbox"/> OTHER, AS SPECIFIED: The Secretary of the Department of Health and Mental Hygiene	
12. SIGNATURE OF STATE AGENCY OFFICIAL: 		16. RETURN TO: Susan Tucker Executive Director Office of Health Services Department of Health & Mental Hygiene 201 W Preston St, 1 st floor Baltimore MD 21201	
13. TYPED NAME: John M. Colmers			
14. TITLE: Secretary, Department of Health & Mental Hygiene			
15. DATE SUBMITTED:			
FOR REGIONAL OFFICE USE ONLY			
17. DATE RECEIVED:		18. DATE APPROVED:	
PLAN APPROVED – ONE COPY ATTACHED			
19. EFFECTIVE DATE OF APPROVED MATERIAL:		20. SIGNATURE OF REGIONAL OFFICIAL:	
21. TYPED NAME:		22. TITLE:	
23. REMARKS:			

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Maryland

1917(b)1(C) (4) If an individual covered under a long-term care insurance policy received benefits for which assets or resources were disregarded as provided for in Attachment 2.6-A, Supplement 8c (State Long-Term Care Insurance Partnership), the State does not seek adjustment or recovery from the individual's estate for the amount of assets or resources disregarded.

TN No.
Supersedes
TN No. New

Approval Date _____ Effective Date January 1, 2009

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: Maryland

MORE LIBERAL METHODS OF TREATING RESOURCES
UNDER SECTION 1902 (r) (2) OF THE ACT

Section 1902 (f) State Non-Section 1902 (f) State

A resource disregard is given to an aged, blind, or disabled person who has purchased a long-term care insurance policy approved by the Maryland Insurance Commissioner, under Health General Article, Title 15, Subtitle 4. Qualified State Long-Term Care Insurance Partnership, Annotated Code of Maryland, and such policy has paid for nursing home care or home care and community-based services as approved or covered under the Maryland Medical Assistance Program.

The amount of the disregard is equal to the lower of the actual charge for the services and the amount paid by the insurance company.

The resource disregard is in effect for the lifetime of the individual.

Persons eligible for a resource disregard are medically needy aged, blind, or disabled described at section 1902 (a)(10)(C)(i)(III) of the Act and in C.7, C.8, and C.9 of Attachment 2.2A, page 26 of the Maryland State Plan.

TN No. _____
Supersedes
TN No. 04-20

Approval Date _____ Effective Date: January 1, 2009

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT
State: Maryland

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

1902(r)(2) The following more liberal methodology applies to individuals who are
1917(b)(1)(C) eligible for medical assistance under one of the following eligibility
groups:

All medically needy aged, blind, and disabled groups as described in
1902(a)(10)(C)(i)(III).

An individual who is a beneficiary under a long-term care insurance policy that
meets the requirements of a “qualified State long-term care insurance partnership”
policy (partnership policy) as set forth below, is given a resource disregard as
described in this amendment. The amount of the disregard is equal to the amount
of the insurance benefit payments made to or on behalf of the individual as
described in this amendment.

- X The State Medicaid Agency (Agency) stipulates that the following requirements
will be satisfied in order for a long-term care policy to qualify for a disregard.
Where appropriate, the Agency relies on attestations by the State Insurance
Commissioner (Commissioner) charged with regulation and oversight of
insurance policies sold in the state, regarding information within the expertise of
the State’s Insurance Department.
- The policy is a qualified long-term care insurance policy as defined in section
7702B(b) of the Internal Revenue Code of 1986.
 - The policy meets the requirements of the long-term care insurance model
regulation and long-term care insurance model Act promulgated by the
National Association of Insurance Commissioners (as adopted as of October
2000) as those requirements are set forth in section 1917(b)(5)(A) of the
Social Security Act.
 - The policy was issued no earlier than the effective date of this State plan
amendment.
 - The insured individual was a resident of a Partnership State when coverage
first became effective under the policy. If the policy is later exchanged for a

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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Maryland

STATE LONG-TERM CARE INSURANCE PARTNERSHIP

different long-term care policy, the individual was a resident of a Partnership State when coverage under the earliest policy became effective.

- The policy meets the inflation protection requirements set forth in section 1917(b)(1)(C)(iii)(IV) of the Social Security Act.
- The Commissioner requires the issuer of the policy to make regular reports to the Secretary that include notification regarding when benefits provided under the policy have been paid and the amount of such benefits paid, notification regarding when the policy otherwise terminates, and such other information as the Secretary determines may be appropriate to the administration of such partnerships.
- The State does not impose any requirement affecting the terms or benefits of a partnership policy that the state does not also impose on non-partnership policies.
- The State Insurance Department assures that any individual who sells a partnership policy receives training, and demonstrates evidence of an understanding of such policies and how they relate to other public and private coverage of long-term care.
- The Agency provides information and technical assistance to the Insurance Department regarding the training described above.

TN No. _____
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FEDERAL REGULATION CITATIONS: SPA 09-02

- ___ Attachment 2.2A 42 CFR 435.10
- X Attachment 2.6A 42 CFR Part 435, Section 435.10 and Subparts G&H AT-78-90, AT-80-6, AT-80-34, 1902(l) and (n) of the Act, P.L. 99-509 (Secs. 9401 and 9402), 1902 (l) and (n) and 1920 of the Act, P.L. 99-509 (Secs. 9401, 9402, and 9407)
- ___ Attachment 3.1A Part 400, Subpart B and 1902(e)(5), 1905(a)(18) through (20), and 1920 of the Act, P.L. 99-272 (Sections 9501, 9505 and 9526) and 1902(a), 1902(a)(47), 1902 (e)(7) through (9), and 1920 of the Act, P.L. 99-509 (Sections 9401(d), 9403, 9406 through 9408) and P.L. 99-514 (Section 1985(c)(3))
- ___ Attachment 3.1B 42 CFR Part 440, Subpart B, 42 CFR 441.15, AT-78-90, AT-80-34
- ___ Attachment 3.1C 42 CFR 431.53, AT-78-90
- ___ Attachment 3.1F 1905(a)(24) and 1930 of the Act, P.L. 101-508 (Section 4712 OBRA 90)
- ___ Attachment 4.18A 447.51 through 447.58
- ___ Attachment 4.18C 447.51 through 447.58
- ___ Attachment 4.18-F 447.50-447.59
- ___ Attachment 4.19 A&B (a) 42 CFR 447.252, 46 FR 44964, 48 FR 56046, 50 FR 23009, 1902(e)(7) of the Act, P.L. 99-509 (Section 9401(d))
(b) 42 CFR 447.201, 42 CFR 447.302, AT-78-90, AT-80-34, 1903(a)(1) and (n) and 1920 of the Act, P.L. 99-509 (Section 9403, 9406 and 9407), 52 FR 28648
- ___ Attachment 4.16 42 CFR 431.615(c) AT-78-90
- ___ Attachment 4.19D (d) 42 CFR 447.252, 47 FR 47964, 48 FR 56046, 42 CFR 447.280, 47 FR 31518, 52 FR 28141
- ___ Attachment 4.22A (a) 433.137(a), 50 FR 46652, 55 FR 1423
- ___ Attachment 4.22B (b) 433.138(f), 52 FR 5967, 433.138(g)(1)(ii) and (2)(ii), 52 FR 5967, 433.133(g)(3)(i) and (iii), 52 FR 5967, 433.138(h)(4)(i) through (iii), 52 FR 5967
- ___ Attachment 4.22C Section 1906 of the Act
- ___ Attachment 4.26 1927(g) 42 CFR 456.700, 1927(g)(1)(A), 1927(g)(1)(a) 42 CFR 456.705(b) and 456.709(b), 1927(g)(1)(B) 42 CFR 456.703(d) and (f), 1927(g)(1)(D) 42 CFR 456.703(b), 1927(g)(2)(A) 42 CFR 456.705(b), 1927(g)(2)(A)(i) 42 CFR 456.705(b), 1927(g)(2)(A)(i) 42 CFR 456.705(b), (1)-(7), 1927(g)(2)(A)(ii) 42 CFR 456.705(c) and (d), 1927(g)(2)(B) 42 CFR 456.709(a), 1927(g)(2)(C) 42 CFR 456.709(b), 1927(g)(2)(D) 42 CFR 456.711, 1927 (g)(3)(A) 42 CFR 456.716(a), 1927 (g)(3)(B) 42 CFR 456.716 (A) and (B), 1927(g)(3)(C) 42 CFR 456.716 (d) 1927(g)(3)(C) 42 CFR 456.711 (a)-(d), 1927 (g)(3)(D) 42 CFR 456.712 (A) and (B), 1927(b)(1) 42 CFR 456.722, 1927(g)(2)(A)(i) 42 CFR 456.705(b), 1927(j)(2) 42 CFR 456.703(c)
- ___ Attachment 4.32A (a) 435.940 through 435.960, 52 FR 5967
- ___ Attachment 4.33A (a) 1902(a)(48) of the Act, P.L. 99-570 (Section 11005), P.L. 100-93 (Section 6(a)(3))
- ___ Attachment 4.35A (a) 1919(b)(1) and (2) of the Act, P.L. 100-103 (Section 4212(a))
- ___ Attachment 4.35B (b) Same as above