
By: **Delegates Montague, O'Donnell, DeCarlo, Grosfeld, and Hutchins**

Introduced and read first time: February 8, 1999

Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Interstate Compact on Adoption and Medical Assistance

FOR the purpose of authorizing the Social Services Administration of the Department of Human Resources to develop, participate in the development of, negotiate, and enter into certain interstate compacts with agencies of other states to provide certain adoption and medical assistance services for certain children; requiring the inclusion of certain provisions in certain interstate compacts; authorizing the inclusion of certain provisions in certain interstate compacts; establishing certain procedures for the interstate delivery of certain adoption and medical assistance services; establishing penalties for providing certain false, misleading, or fraudulent statements in connection with this Act; authorizing the Administration to adopt certain regulations; defining certain terms; and generally relating to the interstate delivery of certain adoption and medical assistance services.

BY renumbering

Article - Family Law

Section 5-4A-01 through 5-4A-07 and the subtitle "Subtitle 4A. Mutual

Consent Voluntary Adoption Registry", respectively

to be Section 5-4C-01 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual

Consent Voluntary Adoption Registry", respectively

Annotated Code of Maryland

(1991 Replacement Volume and 1998 Supplement)

BY adding to

Article - Family Law

Section 5-4A-01 through 5-4A-08, inclusive, to be under the new subtitle

"Subtitle 4A. Interstate Compact on Adoption and Medical Assistance"

Annotated Code of Maryland

(1991 Replacement Volume and 1998 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5-4A-01 through 5-4A-07 and the subtitle "Subtitle 4A. Mutual Consent Voluntary Adoption Registry", respectively, of Article - Family

Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-4C-01 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual Consent Voluntary Adoption Registry", respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Family Law

SUBTITLE 4A. INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE.

5-4A-01.

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

(B) "ADMINISTRATION" MEANS THE SOCIAL SERVICES ADMINISTRATION OF THE DEPARTMENT.

(C) "ADOPTION ASSISTANCE STATE" MEANS THE STATE THAT IS SIGNATORY TO AN ADOPTION ASSISTANCE AGREEMENT IN A PARTICULAR CASE.

(D) "RESIDENCE STATE" MEANS THE STATE WHERE THE CHILD LIVES.

5-4A-02.

(A) THE GENERAL ASSEMBLY FINDS THAT:

(1) LOCATING ADOPTIVE FAMILIES FOR CHILDREN WHO ARE ELIGIBLE TO RECEIVE STATE ASSISTANCE AND ASSURING THE PROTECTION OF THE INTERESTS OF THE CHILDREN AFFECTED DURING THE ENTIRE ASSISTANCE PERIOD REQUIRES SPECIAL MEASURES WHEN THE ADOPTIVE PARENTS MOVE TO OTHER STATES OR ARE RESIDENTS OF ANOTHER STATE; AND

(2) PROVIDING MEDICAL AND OTHER NECESSARY SERVICES FOR CHILDREN, WITH STATE ASSISTANCE, IS MORE DIFFICULT WHEN THE SERVICES ARE PROVIDED IN OTHER STATES.

(B) THE PURPOSES OF THIS SUBTITLE ARE TO:

(1) AUTHORIZE THE ADMINISTRATION TO ENTER INTO INTERSTATE AGREEMENTS WITH AGENCIES OF OTHER STATES FOR THE PROTECTION OF CHILDREN ON WHOSE BEHALF ADOPTION ASSISTANCE IS BEING PROVIDED; AND

(2) PROVIDE PROCEDURES FOR INTERSTATE ADOPTION ASSISTANCE PAYMENTS, INCLUDING MEDICAL PAYMENTS.

5-4A-03.

(A) THE ADMINISTRATION MAY DEVELOP, PARTICIPATE IN THE DEVELOPMENT OF, NEGOTIATE, AND ENTER INTO ONE OR MORE INTERSTATE COMPACTS ON BEHALF OF THIS STATE WITH OTHER STATES TO IMPLEMENT ONE OR MORE OF THE PURPOSES OF THIS SUBTITLE.

(B) WHEN ENTERED INTO, AND FOR SO LONG AS IT SHALL REMAIN IN FORCE, THE COMPACT SHALL HAVE THE FORCE AND EFFECT OF LAW.

5-4A-04.

(A) A COMPACT ENTERED INTO PURSUANT TO § 5-4A-03 OF THIS SUBTITLE SHALL INCLUDE:

(1) A PROVISION MAKING THE COMPACT AVAILABLE FOR JOINDER BY ALL STATES;

(2) A PROVISION FOR WITHDRAWAL FROM THE COMPACT UPON WRITTEN NOTICE TO THE PARTIES, BUT WITH A PERIOD OF 1 YEAR BETWEEN THE DATE OF THE NOTICE AND THE EFFECTIVE DATE OF THE WITHDRAWAL;

(3) A REQUIREMENT THAT THE PROTECTION AFFORDED BY OR PURSUANT TO THE COMPACT CONTINUE IN FORCE FOR THE DURATION OF THE ADOPTION ASSISTANCE AND BE APPLICABLE TO ALL CHILDREN AND THEIR ADOPTIVE PARENTS WHO ON THE EFFECTIVE DATE OF THE WITHDRAWAL ARE RECEIVING ADOPTION ASSISTANCE FROM A PARTY STATE OTHER THAN THE ONE IN WHICH THEY ARE RESIDENTS AND HAVE THEIR PRINCIPAL PLACE OF ABODE;

(4) A REQUIREMENT THAT EACH INSTANCE OF ADOPTION ASSISTANCE TO WHICH THE COMPACT APPLIES BE COVERED BY AN ADOPTION ASSISTANCE AGREEMENT IN WRITING BETWEEN THE ADOPTIVE PARENTS AND THE STATE CHILD WELFARE AGENCY OF THE STATE WHICH UNDERTAKES TO PROVIDE THE ADOPTION ASSISTANCE AND THAT THE ADOPTION ASSISTANCE AGREEMENT BE EXPRESSLY FOR THE BENEFIT OF THE ADOPTED CHILD AND ENFORCEABLE BY BOTH THE ADOPTIVE PARENTS AND THE STATE AGENCY PROVIDING THE ADOPTION ASSISTANCE; AND

(5) ANY OTHER PROVISION THAT MAY BE APPROPRIATE TO THE COMPACT.

(B) A COMPACT ENTERED INTO PURSUANT TO § 5-4A-03 OF THIS SUBTITLE MAY INCLUDE A PROVISION ESTABLISHING PROCEDURES AND ENTITLEMENTS TO MEDICAL OR OTHER NECESSARY SOCIAL SERVICES FOR THE CHILD IN ACCORDANCE WITH APPLICABLE LAWS EVEN THOUGH THE CHILD AND THE ADOPTIVE PARENTS ARE IN A STATE OTHER THAN THE STATE RESPONSIBLE FOR PROVIDING THE SERVICES OR THE FUNDS TO DEFRAY PART OR ALL OF THE COSTS.

5-4A-05.

(A) (1) A CHILD WITH SPECIAL NEEDS WHO RESIDES IN THIS STATE AND WHO IS THE SUBJECT OF AN ADOPTION ASSISTANCE AGREEMENT WITH ANOTHER STATE SHALL BE ENTITLED TO RECEIVE A MEDICAL ASSISTANCE IDENTIFICATION FROM THIS STATE UPON FILING WITH THE ADMINISTRATION A CERTIFIED COPY OF THE ADOPTION ASSISTANCE AGREEMENT OBTAINED FROM THE ADOPTION ASSISTANCE STATE WHICH CERTIFIES TO THE ELIGIBILITY OF THE CHILD FOR MEDICAL ASSISTANCE.

(2) THE ADOPTIVE PARENTS SHALL BE REQUIRED AT LEAST ANNUALLY TO SHOW THAT THE ADOPTION ASSISTANCE AGREEMENT IS STILL IN FORCE OR HAS BEEN RENEWED.

(B) THE ADMINISTRATION SHALL CONSIDER THE HOLDER OF A MEDICAL ASSISTANCE IDENTIFICATION PURSUANT TO THIS SECTION THE SAME AS ANY OTHER HOLDER OF A MEDICAL ASSISTANCE IDENTIFICATION UNDER THE LAWS OF THIS STATE AND SHALL PROCESS AND MAKE PAYMENT ON CLAIMS ON ACCOUNT OF THE HOLDER IN THE SAME MANNER AND PURSUANT TO THE SAME CONDITIONS AND PROCEDURES AS FOR OTHER RECIPIENTS OF MEDICAL ASSISTANCE.

(C) (1) THIS SECTION SHALL APPLY ONLY TO MEDICAL ASSISTANCE FOR CHILDREN UNDER ADOPTION ASSISTANCE AGREEMENTS FROM STATES THAT PROVIDE MEDICAL ASSISTANCE TO CHILDREN WITH SPECIAL NEEDS UNDER ADOPTION ASSISTANCE AGREEMENTS MADE BY THIS STATE.

(2) ALL OTHER CHILDREN ENTITLED TO MEDICAL ASSISTANCE PURSUANT TO ADOPTION ASSISTANCE AGREEMENTS ENTERED INTO BY THIS STATE SHALL BE ELIGIBLE TO RECEIVE IT IN ACCORDANCE WITH THE APPLICABLE LAWS AND PROCEDURES.

5-4A-06.

A PERSON WHO SUBMITS A CLAIM FOR PAYMENT OR FOR REIMBURSEMENT FOR SERVICES OR BENEFITS OR MAKES A STATEMENT IN CONNECTION WITH A CLAIM FOR PAYMENT OR REIMBURSEMENT FOR SERVICES OR BENEFITS PURSUANT TO § 5-4A-05 OF THIS SUBTITLE WHICH THE PERSON KNOWS OR SHOULD KNOW IS FALSE, MISLEADING, OR FRAUDULENT IS GUILTY OF PERJURY AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 2 YEARS OR BOTH.

5-4A-07.

THE ADMINISTRATION MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SUBTITLE.

5-4A-08.

(A) CONSISTENT WITH FEDERAL LAW, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE DEPARTMENT OF HUMAN RESOURCES, IN CONNECTION

WITH THE IMPLEMENTATION AND EXECUTION OF THIS SUBTITLE AND ANY COMPACT ENTERED INTO PURSUANT TO THIS SUBTITLE SHALL INCLUDE IN ANY STATE PLAN MADE PURSUANT TO THE ADOPTION ASSISTANCE AND CHILD WELFARE ACT OF 1980 (P.L. 96-272), TITLES IV-(E) AND XIX OF THE SOCIAL SECURITY ACT, AND ANY OTHER APPLICABLE FEDERAL LAWS, THE PROVISION OF ADOPTION ASSISTANCE AND MEDICAL ASSISTANCE FOR WHICH THE FEDERAL GOVERNMENT PAYS SOME OR ALL OF THE COST.

(B) THE DEPARTMENTS SHALL APPLY FOR AND ADMINISTER ALL RELEVANT FEDERAL AID IN ACCORDANCE WITH LAW.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1999.