

SB0893/457170/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 893  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Insurance –**” and substitute “**– Insurance**”; in the same line, strike “**and Required Study**” and substitute “**and Special Enrollment Period for Health Benefits**”; in line 3, after the first “of” insert “requiring the Maryland Health Benefit Exchange to open a certain enrollment period for an individual who consents to share information through a certain system; establishing certain requirements for a certain enrollment period; authorizing the Maryland Health Benefit Exchange to conduct outreach to a certain individual using certain methods;”; in line 14, after “purpose;” insert “authorizing, for the purpose of implementing a certain system in a certain manner, the Maryland Department of Labor, the Maryland Health Benefit Exchange, and the Maryland Department of Health to take certain actions;”; and strike beginning with “requiring” in line 16 down through “claimant;” in line 30 and substitute “requiring the Maryland Department of Labor to provide certain information regarding certain unemployment insurance recipients to a chief elected official of a county on request and for certain purposes; authorizing a chief elected official of a county to share certain information with the governing body of the county and to request certain information on behalf of a certain political subdivision and provide the information to the political subdivision; authorizing the Maryland Department of Labor to adopt certain regulations; altering the information of which the Secretary of Labor is required to notify a claimant if the Secretary decides to recover benefits from the claimant under certain provisions of law; requiring the Secretary to allow a claimant to appeal a certain determination within a certain period of time;”.

On pages 1 and 2, strike beginning with “requiring” in line 31 on page 1 down through “date;” in line 3 on page 2.

(Over)

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On page 2, in lines 8 and 9, strike “making a conforming change;”; in line 10, strike “insurance”; after line 10, insert:

“BY adding to  
Article - Insurance  
Section 31-108(h)  
Annotated Code of Maryland  
(2017 Replacement Volume and 2020 Supplement)”;

in line 13, after “8–109” insert “and 8–110”; after line 15, insert:

“BY repealing and reenacting, without amendments,  
Article - Labor and Employment  
Section 8–809(a) and (b)  
Annotated Code of Maryland  
(2016 Replacement Volume and 2020 Supplement)”;

and in line 18, strike “8–611(k), 8–626, 8–628, and 8–803(d)” and substitute “8–809(c)”.

AMENDMENT NO. 2

On page 2, after line 22, insert:

**“Article – Insurance**

31-108.

**(H) (1) THE EXCHANGE SHALL OPEN A SPECIAL OR OTHER ENROLLMENT PERIOD FOR AN INDIVIDUAL WHO CONSENTS TO SHARE INFORMATION THROUGH THE SYSTEM IMPLEMENTED IN ACCORDANCE WITH § 8-109(B)(1) OF THE LABOR AND EMPLOYMENT ARTICLE.**

**(2) THE ENROLLMENT PERIOD OPENED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

**(I) APPLY TO QUALIFIED HEALTH PLANS OFFERED THROUGH THE EXCHANGE IN THE INDIVIDUAL MARKET;**

**(II) BEGIN ON THE DATE THE EXCHANGE SENDS NOTICE TO THE INDIVIDUAL;**

**(III) LAST FOR A PERIOD OF TIME DETERMINED BY THE EXCHANGE AND THAT IS AT LEAST 30 DAYS; AND**

**(IV) BE AVAILABLE TO AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION AND TO THE INDIVIDUAL'S DEPENDENT AS DEFINED IN 45 C.F.R. § 155.420.**

**(3) THE EXCHANGE MAY CONDUCT OUTREACH TO AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION USING METHODS THAT INCLUDE:**

**(I) WRITTEN NOTICES;**

**(II) CONTACT THROUGH TELEPHONIC AND ELECTRONIC MEANS; AND**

**(III) THE PROVISION OF INDIVIDUALIZED ASSISTANCE BY INSURANCE AGENTS AND BROKERS, NAVIGATORS, AND EXCHANGE CONTRACTORS AND STAFF.”;**

in line 27, strike “ENSURE” and substitute “SECURE EQUAL ACCESS FOR INDIVIDUALS BY:

**(I) ENSURING**”;

in line 28, strike the second “AND” and substitute a comma; in the same line, after “INTERPRETIVE” insert “, AND TRANSLATION”; and after line 28, insert:

**“(II) FOR INDIVIDUALS WITH DISABILITIES:**

**1. INCORPORATING ACCESSIBILITY FEATURES THAT ARE CONSISTENT WITH MODERN ACCESSIBILITY STANDARDS FOR INDIVIDUALS WITH DISABILITIES; AND**

**2. PROVIDING NOTICE OF ALTERNATIVE ACCESSIBILITY OPTIONS FOR ACCESSING BENEFITS, SERVICES, AND INFORMATION IN MULTIPLE FORMATS; AND**

**(III) CONSPICUOUSLY PROVIDING CLAIMANTS WITH THE OPTION TO SELECT AT THE BEGINNING OF THE APPLICATION FOR UNEMPLOYMENT INSURANCE BENEFITS PROCESS THAT PAPER-BASED NOTICES OF DEPARTMENT ACTION BE SENT BY MAIL;**”.

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 6 on page 3, inclusive.

On page 3, after line 6, insert:

**“(2) ESTABLISH PROCEDURES THAT REQUIRE AN INDIVIDUAL WHO HAS FILED AN INITIAL CLAIM FOR BENEFITS TO BE PROVIDED WITH A STATUS**

UPDATE ON THE CLAIM BY DEPARTMENT STAFF OR CONTRACTORS THROUGH TELEPHONE OR E-MAIL AT LEAST ONCE EVERY 3 WEEKS UNTIL THE INITIAL BENEFITS ARE PAID OR THE INITIAL CLAIM IS DENIED, WHICHEVER OCCURS FIRST;

(3) ON OR BEFORE JULY 1 EACH YEAR, BEGINNING IN 2021, CONTRACT WITH AN EXTERNAL CUSTOMER SERVICE QUALITY EVALUATION VENDOR TO MEASURE:

(I) THE CLARITY AND ORGANIZATION OF ALL PUBLIC COMMUNICATIONS INCLUDING MATERIALS POSTED ON THE DEPARTMENT'S WEBSITE OR MOBILE APPLICATION;

(II) THE ACHIEVEMENT OF THE CUSTOMER SERVICE STANDARDS REQUIRED UNDER THIS SUBSECTION AND THE DEPARTMENT'S PLAN TO IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION; AND

(III) OTHER CUSTOMER SERVICE METRICS THAT THE DEPARTMENT AND THE VENDOR AGREE ARE IMPORTANT;";

in lines 7 and 21, strike "(6)" and "(9)", respectively, and substitute "(4)" and "(5)", respectively; strike beginning with "THREE" in line 9 down through "CARD" in line 12 and substitute "THE ABILITY TO SELECT THE METHOD OF PAYMENT"; strike in their entirety lines 13 through 20, inclusive; and strike in their entirety lines 25 through 31, inclusive.

On page 4, strike in their entirety lines 1 and 2; in lines 3, 5, 11, and 14, strike "(12)", "(13)", "(14)", and "(15)", respectively, and substitute "(6)", "(7)", "(8)", and "(9)", respectively.

On page 4, in line 13, after "WEEKS;" insert "AND"; and in line 20, strike the semicolon and substitute a period.

(Over)

On pages 4 and 5, strike in their entirety the lines beginning with line 21 on page 4 through line 2 on page 5, inclusive.

On page 5, after line 25, insert:

**“(5) TO FACILITATE THE MOST EFFICIENT IMPLEMENTATION OF THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT, THE MARYLAND HEALTH BENEFIT EXCHANGE, AND THE MARYLAND DEPARTMENT OF HEALTH MAY:**

**(I) ENTER INTO AGREEMENTS;**

**(II) ADOPT REGULATIONS;**

**(III) ADOPT GUIDELINES;**

**(IV) ESTABLISH ACCOUNTS;**

**(V) CONDUCT TRAININGS;**

**(VI) PROVIDE PUBLIC INFORMATION; AND**

**(VII) TAKE ANY OTHER STEPS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSE OF THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.”;**

and after line 29, insert:

**“8-110.**

(A) ON REQUEST AND FOR PURPOSES CONSISTENT WITH CHAPTERS AND (S.B. 893 AND S.B. 894) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2021, THE DEPARTMENT SHALL PROVIDE TO THE CHIEF ELECTED OFFICIAL OF A COUNTY DEMOGRAPHIC DATA AND THE ADDRESSES, OCCUPATIONS, AND LAST KNOWN EMPLOYERS OF UNEMPLOYMENT INSURANCE RECIPIENTS WHO LIVE IN THE COUNTY OF THE CHIEF ELECTED OFFICIAL.

(B) A CHIEF ELECTED OFFICIAL OF A COUNTY MAY:

(1) SHARE THE INFORMATION PROVIDED TO THE CHIEF ELECTED OFFICIAL UNDER SUBSECTION (A) OF THIS SECTION WITH THE GOVERNING BODY OF THE COUNTY; AND

(2) REQUEST INFORMATION UNDER SUBSECTION (A) OF THIS SECTION ON BEHALF OF A POLITICAL SUBDIVISION WITHIN THE COUNTY AND PROVIDE THE INFORMATION TO THE POLITICAL SUBDIVISION.

(C) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION, INCLUDING REGULATIONS THAT:

(1) ESTABLISH THE CIRCUMSTANCES UNDER WHICH THE NAMES OF UNEMPLOYMENT INSURANCE RECIPIENTS MAY BE INCLUDED IN THE INFORMATION PROVIDED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) ARE NECESSARY TO PROTECT THE PERSONALLY IDENTIFIABLE INFORMATION OF UNEMPLOYMENT INSURANCE RECIPIENTS.”.

On pages 5 through 8, strike in their entirety the lines beginning with line 30 on page 5 through line 1 on page 8, inclusive.

(Over)

On page 8, after line 1, insert:

“8-809.

(a) The Secretary may recover benefits paid to a claimant if the Secretary finds that the claimant was not entitled to the benefits because:

- (1) the claimant was not unemployed;
- (2) the claimant received or retroactively was awarded wages; or
- (3) due to a redetermination of an original claim by the Secretary, the claimant is disqualified or otherwise ineligible for benefits.

(b) If the Secretary finds that a claimant knowingly made a false statement or representation or knowingly failed to disclose a material fact to obtain or increase a benefit or other payment under this title, in addition to disqualification of the claimant, the Secretary may recover from the claimant:

- (1) all benefits paid to the claimant for each week for which the false statement or representation was made or for which the claimant failed to disclose a material fact;
- (2) a monetary penalty of 15% of all benefits paid to the claimant for each week for which the false statement or representation was made or for which the claimant failed to disclose a material fact; and
- (3) interest of 1.5% per month on the amount of all benefits paid to the claimant for each week for which the false statement or representation was made or for which the claimant failed to disclose a material fact plus the amount of the monetary



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On page 9, strike in their entirety lines 1 through 14, inclusive; in line 15, strike “4.” and substitute “3.”; in line 16, strike “March” and substitute “June”; in line 19, strike “April” and substitute “July”; and in line 22, strike “5.” and substitute “4.”.