

HOUSE BILL 1076

J1, O1, P1

11r2694
CF 11r2841

By: **Delegate Saab**

Introduced and read first time: February 5, 2021

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Assistance Programs – Data Sharing and Review**
3 **(Welfare Program Integrity Act of 2021)**

4 FOR the purpose of requiring the Inspector General in the Maryland Department of Health
5 to review certain information on a certain basis; requiring the Maryland Department
6 of Health to enter into data-sharing agreements with the Division of Vital Records
7 and the Maryland Department of Labor for a certain purpose; requiring the Family
8 Investment Administration to enter into data-sharing agreements with the
9 Maryland Lottery and Gaming Control Agency, the Maryland Department of Health,
10 Division of Vital Records, and the Maryland Department of Labor for certain
11 purposes; providing for the application of this Act; and generally relating to public
12 assistance programs, data sharing, and Inspector General review.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 2–503
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2020 Supplement)

18 BY adding to
19 Article – Health – General
20 Section 15–104.1
21 Annotated Code of Maryland
22 (2019 Replacement Volume and 2020 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article – Human Services
25 Section 5–205
26 Annotated Code of Maryland
27 (2019 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

Article – Health – General

2–503.

(a) The Inspector General:

(1) May investigate fraud, waste, and abuse of departmental funds;

(2) Shall cooperate with and coordinate investigative efforts with the Medicaid Fraud Control Unit and where a preliminary investigation establishes a sufficient basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit; [and]

(3) Shall cooperate with and coordinate investigative efforts with departmental programs and other State and federal agencies to ensure a provider is not subject to duplicative audits; **AND**

(4) SHALL REVIEW THE INFORMATION SHARED IN ACCORDANCE WITH § 15–104.1 OF THIS ARTICLE AND § 5–205 OF THE HUMAN SERVICES ARTICLE AT LEAST QUARTERLY.

(b) (1) The Inspector General or a designated Assistant Inspector General may subpoena any person or evidence, administer oaths, and take depositions and other testimony for the purpose of investigating fraud, waste, or abuse of departmental funds.

(2) If a person fails to comply with a lawful order or subpoena issued under this subsection, on petition of the Inspector General or a designated Assistant Inspector General, a court of competent jurisdiction may compel:

(i) Compliance with the order or subpoena; or

(ii) Testimony or the production of evidence.

(C) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE INSPECTOR GENERAL FROM CONTRACTING WITH AN INDEPENDENT VENDOR TO PROVIDE ADDITIONAL DATA OR INFORMATION.

15–104.1.

THE DEPARTMENT SHALL ENTER INTO DATA–SHARING AGREEMENTS, INCLUDING BY A MEMORANDUM OF UNDERSTANDING, WITH THE DIVISION OF VITAL RECORDS AND THE MARYLAND DEPARTMENT OF LABOR TO IDENTIFY ANY CHANGES IN CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL’S ELIGIBILITY FOR

1 **THE PROGRAM.**

2 **Article – Human Services**

3 5–205.

4 (a) The Administration shall be the central coordinating and directing agency of
5 all public assistance programs in the State, including:

6 (1) the Family Investment Program and related cash benefit programs;

7 (2) public assistance to adults;

8 (3) emergency assistance;

9 (4) food stamps;

10 (5) medical assistance eligibility determinations;

11 (6) the Energy Assistance Program;

12 (7) the Temporary Disability Assistance Program; and

13 (8) any other public assistance activities financed wholly or partly by the
14 Administration.

15 (b) The Administration shall supervise, direct, and control the activities of the
16 local departments that it finances wholly or partly.

17 (c) (1) The Administration may visit any State–aided institution,
18 organization, or agency engaged in public assistance activities and inspect thoroughly its
19 management, buildings, and equipment.

20 (2) Visits and inspections under paragraph (1) of this subsection shall be
21 made:

22 (i) at reasonably convenient hours; and

23 (ii) with reasonable regard for the established discipline,
24 regulations, and customs of the institution, organization, or agency.

25 (d) As desirable or necessary for the purpose of this title, the Administration may
26 designate existing agencies or organizations in the State as the Administration’s agents.

27 **(E) THE ADMINISTRATION SHALL ENTER INTO DATA–SHARING**
28 **AGREEMENTS, INCLUDING BY A MEMORANDUM OF UNDERSTANDING, WITH:**

1 **(1) THE STATE LOTTERY AND GAMING CONTROL AGENCY TO**
2 **IDENTIFY INDIVIDUALS WITH SUBSTANTIAL LOTTERY OR GAMBLING WINNINGS; AND**

3 **(2) THE MARYLAND DEPARTMENT OF HEALTH, DIVISION OF VITAL**
4 **RECORDS AND THE MARYLAND DEPARTMENT OF LABOR TO IDENTIFY ANY**
5 **CHANGES IN CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL'S ELIGIBILITY FOR**
6 **A PUBLIC ASSISTANCE PROGRAM LISTED UNDER SUBSECTION (A) OF THIS SECTION.**

7 **[(e)] (F)** Before the start of each regular session of the General Assembly, the
8 Administration shall submit a report of its activities to the Governor.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2021.