

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 499

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Bromwell” and substitute “Bromwell, Derr, Hafer, Teitelbaum, Trotter, and Young”; in lines 31 and 32, strike “that are serving as third party payees for purposes of” and substitute “and certain students, faculty, and staff members of institutions of higher education providing certain services under”; in line 32, after “Program” insert “and certain other individuals providing a certain service under the Family Investment Program”; in line 36, after “appropriated;” insert “authorizing the Secretary of Human Resources to grant certain waivers; specifying legislative intent in regard to the employment or assignment of adult Family Investment Program recipients; requiring a certain grievance procedure; making provisions of this Act severable; providing for the effective date of certain provisions of this Act; providing for the termination of a certain provision of this Act;”.

AMENDMENT NO. 2

On page 4, in lines 17 and 32 and 33, in each instance, strike “VOLUNTEERS FROM ITS STUDENT BODY” and substitute “STUDENTS VOLUNTEERING”; in line 25, strike “VOLUNTEERS” and substitute “STUDENTS WILLING TO ASSIST FIP RECIPIENTS”; and in line 34, strike “AND” and substitute “OR”.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 7 through 16, inclusive, and substitute:

“(2) AT THE TIME OF APPLICATION FOR ASSISTANCE, SIGNS A MEDICAL RELEASE THAT, FOR ANY APPLICANT DETERMINED ELIGIBLE TO BE A RECIPIENT OF CONTINUING TEMPORARY CASH ASSISTANCE, WOULD ALLOW THE DEPARTMENT OR ITS DESIGNEE TO RECEIVE FROM THE MANAGED CARE ORGANIZATION IN WHICH THE RECIPIENT IS ENROLLED IN ACCORDANCE WITH THE MANAGED CARE PROGRAM ESTABLISHED UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL

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ARTICLE:

(I) NOTIFICATION THAT A RECIPIENT HAS NOT COMPLETED THE INITIAL HEALTH SCREEN REQUIRED BY THE RECIPIENT'S MANAGED CARE ORGANIZATION;

(II) THE RESULTS OF ANY SUBSTANCE ABUSE SCREENING ASSESSMENT OR OTHER TEST PERFORMED ON THE RECIPIENT BY THE MANAGED CARE ORGANIZATION FOR THE PURPOSE OF DETERMINING THE RECIPIENT'S NEED FOR SUBSTANCE ABUSE TREATMENT; AND

(III) THE RESULTS OF ANY RECIPIENT'S REFERRAL TO SUBSTANCE ABUSE TREATMENT OR CHANGE IN TREATMENT STATUS AS REQUIRED BY § 50A(B)(2) AND (3) OF THIS SUBTITLE;".

AMENDMENT NO. 4

On page 6, in line 3, after "IMMIGRANTS" insert ":

(1) WHO WERE IN THE UNITED STATES ON OR BEFORE AUGUST 22, 1996;

(2)";

in line 4, after "STATE" insert a semicolon; in line 5, after "AND" insert "(3)"; in lines 6 and 7, strike "(1)" and "(2)", respectively, and substitute "(I)" and "(II)", respectively; in line 7, after "PROVIDED" insert "FEDERALLY OR NONFEDERALLY FUNDED"; and in line 8, after "TO" insert "SUCH".

AMENDMENT NO. 5

On page 6, after line 8, insert:

"(E) IN ADDITION TO THE PROVISIONS OF THIS SECTION, SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, ASSISTANCE SHALL BE PROVIDED UNDER THIS SUBTITLE TO LEGAL IMMIGRANTS:

(1) WHO ARRIVE IN THE UNITED STATES AFTER AUGUST 22, 1996 AND ARE NOT ELIGIBLE FOR FEDERALLY FUNDED CASH ASSISTANCE;

(2) WHO MEET FIP ELIGIBILITY REQUIREMENTS UNDER THIS SUBTITLE AND ANY OTHER REQUIREMENTS IMPOSED BY THE STATE; AND

(3) WHO:

(I) HAVE LIVED IN THIS STATE FOR AT LEAST 12 MONTHS; OR

(II) PREVIOUSLY LIVED IN A STATE THAT PROVIDED NONFEDERALLY FUNDED CASH ASSISTANCE TO SUCH LEGAL IMMIGRANTS.”.

AMENDMENT NO. 6

On page 6, in line 26, after “PARENT” insert “OR CHILD”; and in line 29, strike “PERSON’S” and substitute “PARENT’S OR CHILD’S”.

AMENDMENT NO. 7

On page 8, in line 9, strike “AN APPLICANT” and substitute “ANY ADULT OR MINOR PARENT RECIPIENT”; in lines 11, 13, 14, 16, 18, and 20, in each instance, strike “APPLICANT” and substitute “ADULT OR MINOR PARENT RECIPIENT”; in line 28, strike the first “A” and substitute “AN ADULT OR MINOR PARENT”; in lines 29 and 38, in each instance, after “THE” insert “ADULT OR MINOR PARENT”; and in line 34, strike “A” and substitute “AN ADULT OR MINOR PARENT”.

On page 9, in lines 5, 10, 16, 19, 27, 28, and 32, in each instance, after “THE” insert “ADULT OR MINOR PARENT”; in lines 23, 26, and 32, in each instance, after the second “THE” insert “ADULT OR MINOR PARENT”; in lines 14 and 37, in each instance, strike “A” and substitute “AN ADULT OR MINOR PARENT”; and in line 16, strike “DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS DESIGNEE” and substitute “MANAGED CARE ORGANIZATION”.

On page 10, in lines 2, 5, 14, 18, 30, and 31, in each instance, after “THE” insert “ADULT OR MINOR PARENT”; in line 11, after the first “THE” insert “ADULT OR MINOR PARENT”; in line 10, strike “DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS DESIGNEE” and substitute “MANAGED CARE ORGANIZATION”; and in line 13, strike “A” and substitute

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“AN ADULT OR MINOR PARENT”.

AMENDMENT NO. 8

On page 8, in line 17, after “TREATMENT” insert “, INCLUDING AN ADULT OR MINOR PARENT RECIPIENT’S OBLIGATION TO PARTICIPATE IN AN INITIAL HEALTH SCREEN WITH THE ADULT OR MINOR PARENT RECIPIENT’S MANAGED CARE ORGANIZATION WITHIN THE TIME SPECIFIED BY REGULATION FOLLOWING THE ADULT OR MINOR PARENT RECIPIENT’S ENROLLMENT IN THE MANAGED CARE ORGANIZATION OR LOSE FIP BENEFITS”.

AMENDMENT NO. 9

On page 8, after line 25, insert:

“(5) THE MANAGED CARE ORGANIZATION SHALL NOTIFY THE LOCAL DEPARTMENT IF THE ADULT OR MINOR PARENT RECIPIENT HAS NOT COMPLETED THE INITIAL HEALTH SCREEN REQUIRED BY THE ADULT OR MINOR PARENT RECIPIENT’S MANAGED CARE ORGANIZATION.”.

AMENDMENT NO. 10

On page 9, after line 24, insert:

“(E) AFTER RECEIVING THE NOTICE UNDER SUBSECTION (D)(1) OF THIS SECTION, THE LOCAL DEPARTMENT SHALL SEND A NOTICE TO THE ADULT OR MINOR PARENT RECIPIENT INFORMING THE ADULT OR MINOR PARENT RECIPIENT THAT:

(1) THE ADULT OR MINOR PARENT RECIPIENT IS NOT IN COMPLIANCE WITH FIP REQUIREMENTS, INCLUDING THE SPECIFIC REASON WHY THE ADULT OR MINOR PARENT RECIPIENT IS CONSIDERED NOT IN COMPLIANCE WITH FIP REQUIREMENTS; AND

(2) 30 DAYS AFTER THE DATE OF THE NOTICE, THE ADULT OR MINOR PARENT RECIPIENT’S TEMPORARY CASH ASSISTANCE BENEFITS WILL BE REDUCED BY THAT INCREMENT IN CASH BENEFITS THAT INCLUDED THE ADULT OR MINOR PARENT RECIPIENT.

(F) (1) THE LOCAL DEPARTMENT SHALL REDUCE AN ADULT OR MINOR PARENT RECIPIENT’S TEMPORARY CASH ASSISTANCE BENEFITS AS DESCRIBED IN SUBSECTION (E) OF THIS SECTION, IF THE ADULT OR MINOR PARENT RECIPIENT HAS NOT COMPLETED THE INITIAL HEALTH SCREEN REQUIRED BY THE ADULT OR MINOR PARENT RECIPIENT’S MANAGED CARE ORGANIZATION.

(2) THE LOCAL DEPARTMENT SHALL CONTINUE TO MAKE THESE REDUCED PAYMENTS TO THE ADULT OR MINOR PARENT RECIPIENT UNTIL THE LOCAL DEPARTMENT RECEIVES NOTICE FROM THE MANAGED CARE ORGANIZATION THAT THE ADULT OR MINOR PARENT RECIPIENT HAS COMPLETED THE INITIAL HEALTH SCREEN REQUIRED BY THE ADULT OR MINOR PARENT RECIPIENT’S MANAGED CARE ORGANIZATION.”;

in lines 25 and 37, strike “(E)” and “(F)”, respectively, and substitute “(G)” and “(H)”, respectively; and in line 25, after “(D)” insert “(2)”.

On page 10, in lines 1, 13, 14, and 29, strike “(E)”, “(G)”, “(E)”, and “(I)”, respectively, and substitute “(G)”, “(I)”, “(G)”, and “(J)”, respectively; and strike in their entirety lines 22 through 28, inclusive.

AMENDMENT NO. 11

On page 11, in line 30, after “YEARS” insert “WHO ARE NOT ELIGIBLE FOR FEDERALLY FUNDED FOOD STAMP BENEFITS BY REASON OF THEIR IMMIGRATION STATUS, BUT”; and in the same line, after “MEET” insert “ALL OTHER”.

AMENDMENT NO. 12

On page 15, in lines 11 and 18, in each instance, after “FEDERAL” insert “PERSONAL”.

AMENDMENT NO. 13

On page 17, in line 27, after “AND” insert “, NOTWITHSTANDING § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE,”.

AMENDMENT NO. 14

On page 17, in line 8, strike “OR”; in line 9, after “(8)” insert “TO THE EXTENT OF A NONPROFIT ORGANIZATION’S ACTIVITIES AS A THIRD PARTY PAYEE, AND TO THE EXTENT THE NONPROFIT ORGANIZATION HAS NO OTHER INSURANCE FOR THIS PURPOSE,”; in line 13, after “RECIPIENTS” insert “; OR

(9) A STUDENT, FACULTY, OR STAFF MEMBER OF AN INSTITUTION OF HIGHER EDUCATION WHO IS PROVIDING A SERVICE UNDER THE FAMILY INVESTMENT PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 88A, § 47 OR § 53 OF THE CODE”.

AMENDMENT NO. 15

On page 17, after line 40, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) Subject to subsections (b) and (c) of this section, at the request of any local department of social services, the Secretary of Human Resources may grant a waiver for a period of up to 2 years to a local department of social services from having to comply with specified provisions of State law or regulations that are within the scope of authority of the Secretary;

(b) The Secretary of Human Resources may grant a waiver under subsection (a) of this section if the Secretary determines during the Secretary’s review of the waiver request that the waiver:

(1) likely will promote more efficient, effective, and appropriate management and delivery services and benefits under the Family Investment Program;

(2) will improve opportunities for Family Investment Program recipients in gaining self-sufficiency;

(3) will provide additional flexibility to the local department in administering the Family Investment Program; and

(4) will not result in any increased cost to the State over the duration of the waiver;

(c) Prior to granting any waiver under subsection (a) of this section, the Secretary of Human Resources shall:

(1) refer the waiver request to the Joint Committee on Welfare Reform for its review; and

(2) hold a public hearing, advertised in a newspaper of general circulation, in the county where the waiver would be implemented;

(d) The Secretary of Human Resources may terminate at any time any waiver granted under this section after providing written notice of the proposed termination to the local department of social services 30 days prior to the effective date of the termination;

(e) The Secretary of Human Resources may not grant any waiver under this section that violates federal law or regulations unless appropriate waiver authority is obtained from the appropriate federal agency; and

(f) On or before December 1 of each year, the Secretary of Human Resources shall submit a report, subject to § 2-1312 of the State Government Article, to the Joint Committee on Welfare Reform on the nature, scope, and duration of waivers that have been requested, granted, denied, or terminated, including available information on the effects of any waiver in effect during the year.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Department of Human Resources make every effort to ensure that adult Family Investment Program recipients engaged in work activities under the Family Investment Program established under Article 88A of the Code not be employed or assigned to jobs: (1) that displace or partially displace current employees or positions; (2) that replace individuals who are laid off from the same or any substantially equivalent job; or (3) where an employer has terminated the employment of a regular employee or otherwise caused an involuntary reduction of its workforce in

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order to fill the vacancy so created with an adult Family Investment Program recipient.

SECTION 6. AND BE IT FURTHER ENACTED, That the Department of Human Resources, in consultation with the Department of Labor, Licensing, and Regulation, shall establish on or before July 1, 1997 and maintain a grievance procedure for resolving complaints of alleged violations of provisions of the federal Personal Responsibility and Work Opportunities Act of 1996 that pertain to displacement of employees by individuals engaged in work activities under the Temporary Assistance for Needy Families Block Grant program. In addition to any local department of social services and Department of Human Resources steps, the grievance procedure shall include an Office of Administrative Hearings step. The Department of Human Resources shall report, subject to § 2-1312 of the State Government Article, to the Joint Committee on Welfare Reform on or before December 1, 1997 on the operation of the procedure, the number of complaints, and the resolution of those complaints.”.

On page 18, in line 1, strike “4.” and substitute “7.”.

AMENDMENT NO. 16

On page 18, in line 4, strike “the Citizens Tax Reduction and Fiscal Reserve Account” and substitute “a dedicated purpose account”; and in line 5, strike “the Citizens Tax Reduction and Fiscal Reserve Account” and substitute “this dedicated purpose account”.

AMENDMENT NO. 17

On page 18, after line 9, insert:

“SECTION 8. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 9. AND BE IT FURTHER ENACTED, That the provisions of Article 88A, § 50A(a)(5) and (d)(1) of the Code, as enacted by Section 1 of this Act, shall take effect July 1, 1998.

SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of



Section 9 of this Act, the provisions of Article 88A, § 50A(a)(5) of the Code, as enacted under Section 1 of this Act, shall take effect July 1, 1997 in one county in the State selected by the Department of Human Resources for the purpose of testing the ability of the Clients' Automated Resource and Eligibility System to successfully capture and report information regarding an adult or minor parent Family Investment Program recipient's completion of an initial health screen in accordance with the provisions of Article 88A, § 50A of the Code, as enacted under Section 1 of this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That Section 6 of this Act shall take effect June 1, 1997.”;

in line 10, strike “5.” and substitute “12.”; in the same line, after “That” insert “, subject to the provisions of Sections 9 and 11 of this Act,”; and in line 11, after “1997.” insert “Section 4 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 1999, with no further action required by the General Assembly, Section 4 of this Act shall be abrogated and of no further force and effect.”.