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1997 Regular Session
7lr1796

CF 7lr1454

By: Senators Madden, Astle, Della, Roesser, Dorman, Currie, and Bromwell

Introduced and read first time: January 30, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Welfare Innovation Act of 1997**

3 FOR the purpose of requiring individuals receiving benefits under the Family Investment
4 Program to comply with certain additional eligibility requirements related to
5 obtaining a certain health screen within a certain time period and, if appropriate,
6 participating and complying with certain substance abuse treatment protocols under
7 certain circumstances; requiring an applicant or recipient under the Family
8 Investment Program to sign and return a certain medical consent form to a certain
9 person to allow the Department of Human Resources to receive certain
10 information; requiring institutions of higher education to develop and implement a
11 certain program and submit a certain report to the Joint Committee on Welfare
12 Reform; requiring the Department to provide temporary cash assistance to legal
13 immigrants who meet Family Investment Program eligibility requirements and
14 certain other requirements; requiring the Department of Health and Mental
15 Hygiene to provide medical assistance benefits to certain legal immigrants and
16 certain legal immigrant children under certain circumstances; requiring that certain
17 legal immigrant children be provided food stamp benefits under certain
18 circumstances; altering certain provisions of law related to child support collected
19 for children who are subject to the child-specific benefit under the Family
20 Investment Program; altering a certain provision of law to add certain conditions on
21 when a minor parent may live in an adult-supervised group living arrangement;
22 authorizing a local department of social services to pay an administrative fee to
23 certain persons under certain circumstances; requiring certain managed care
24 organizations to provide a certain benefit to certain enrollees who are recipients of
25 temporary cash assistance under the Family Investment Program; requiring the
26 Secretary of Health and Mental Hygiene to seek a certain waiver or take certain
27 other steps to obtain federal funding for a certain additional benefit to be provided
28 to certain Family Investment Program recipients under certain circumstances;
29 defining a certain term; altering certain provisions of law related to the immunity of
30 volunteers for certain actions under certain circumstances; altering the Maryland
31 Tort Claims Act to include certain nonprofit organizations that are serving as third
32 party payees for purposes of the Family Investment Program under certain
33 circumstances; authorizing local departments of social services to carry over certain
34 savings under certain circumstances; requiring that certain funds be transferred to a
35 certain account and restricting the manner in which funds in the account may be
36 appropriated; and generally relating to the Family Investment Program and

2

1 modifications and clarifications to the Family Investment Program.

2 BY repealing and reenacting, with amendments,

3 Article 88A - Department of Human Resources
4 Section 44A, 47(a), 48, 50(b), (f), and (h), 53(c), and 88
5 Annotated Code of Maryland
6 (1995 Replacement Volume and 1996 Supplement)

7 BY adding to

8 Article 88A - Department of Human Resources
9 Section 47(d) and 50A
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1996 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article - Courts and Judicial Proceedings
14 Section 5-312(a)(1) and (2) and (b), 5-313(a)(1) and (3) and (b), and 5-314(a)(1),
15 (2), (3), (4), (5), (6), (8), and (9), and (b)
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1996 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Courts and Judicial Proceedings
20 Section 5-312(a)(10), 5-313(a)(5), and 5-314(a)(11)
21 Annotated Code of Maryland
22 (1995 Replacement Volume and 1996 Supplement)

23 BY repealing and reenacting, with amendments,

24 Article - Health - General
25 Section 15-103(a) and (b)(2)
26 Annotated Code of Maryland
27 (1994 Replacement Volume and 1996 Supplement)

28 BY repealing and reenacting, without amendments,

29 Article - Health - General
30 Section 15-103(b)(1)
31 Annotated Code of Maryland
32 (1994 Replacement Volume and 1996 Supplement)

33 BY repealing and reenacting, with amendments,

34 Article - State Government
35 Section 12-101(a)
36 Annotated Code of Maryland
37 (1995 Replacement Volume and 1996 Supplement)

3

1 BY repealing and reenacting, with amendments,
2 Chapter 351 of the Acts of the General Assembly of 1996
3 Section 11

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

6 **Article 88A - Department of Human Resources**

7 44A.

8 (a) In this subtitle the following terms have the meanings indicated.

9 (b) "Cooperative living project" means a welfare demonstration project providing
10 a shared living arrangement as an alternative to cash assistance.

11 (c) "Department" means the Department of Human Resources.

12 (d) "FIP" means Family Investment Program.

13 (e) "Grant diversion" means the payment of businesses for hiring recipients.

14 (f) "Individualized case-management project" means a welfare demonstration
15 project providing coordination and intensive case management of FIP and related
16 benefits and services.

17 (g) "Local department" means a local department of social services in a county or
18 in Baltimore City created or continued under the provisions of § 13 of this article.

19 (h) "Nonprofit organization" means a religious, charitable, or volunteer
20 organization exempt from taxation under § 501(c) of the Internal Revenue Code.

21 (i) "Work activity" means any of the following:

22 (1) Job search activity;

23 (2) Subsidized employment in either the public or private sector;

24 (3) Grant diversion;

25 (4) Work experience;

26 (5) On-the-job training;

27 (6) Community service;

28 (7) Training directly related to employment; and

29 (8) Education directly related to employment.

30 (j) "Recipient" means all individuals in an FIP case.

31 (k) "Secretary" means the Secretary of Human Resources.

32 (l) "Temporary cash assistance" means the cash assistance component of the FIP
33 program funded in whole or in part through Title IV, Part A, of the Social Security Act.

4

1 (M) "THIRD PARTY PAYEE" MEANS:

2 (1) AN INDIVIDUAL APPROVED BY THE DEPARTMENT;

3 (2) A NONPROFIT ORGANIZATION;

4 (3) A FOR-PROFIT ORGANIZATION; OR

5 (4) A GOVERNMENTAL ENTITY, WHICH MAY INCLUDE A LOCAL
6 DEPARTMENT.

7 [(m)] (N) "Transitional assistance" means assistance provided to an FIP recipient
8 whose temporary cash assistance has been terminated for noncompliance with FIP
9 program requirements.

10 47.

11 (a) In providing assistance under this subtitle, the Department may contract with
12 charitable organizations, private organizations, religious organizations, and institutions of
13 [postsecondary] HIGHER education.

14 (D) (1) IN ADDITION TO THE PROVISIONS OF § 53(C) OF THIS SUBTITLE, ON
15 OR BEFORE OCTOBER 1, 1997, EACH INSTITUTION OF HIGHER EDUCATION SHALL
16 DEVELOP AND IMPLEMENT A PROGRAM THAT WILL ENCOURAGE, IDENTIFY, AND
17 PROVIDE VOLUNTEERS FROM ITS STUDENT BODY TO TUTOR, MENTOR, OR PROVIDE
18 ANY OTHER SERVICES TO FIP RECIPIENTS FOR PURPOSES OF ASSISTING FIP
19 RECIPIENTS IN OBTAINING EMPLOYMENT AND MEETING ANY OTHER FIP
20 REQUIREMENTS UNDER THIS SUBTITLE.

21 (2) AN INSTITUTION OF HIGHER EDUCATION SHALL:

22 (I) DEVELOP ITS PROGRAM IN COOPERATION WITH THE LOCAL
23 DEPARTMENT IN THE JURISDICTION IN WHICH THE INSTITUTION OF HIGHER
24 EDUCATION IS LOCATED; AND

25 (II) PROVIDE A LIST OF VOLUNTEERS TO THE LOCAL
26 DEPARTMENT.

27 (3) ON OR BEFORE JULY 1, 1998, AND EACH JULY 1 THEREAFTER, EACH
28 INSTITUTION OF HIGHER EDUCATION SHALL COMPILE AND SUBMIT A REPORT,
29 SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE JOINT
30 COMMITTEE ON WELFARE REFORM DETAILING ITS ACTIVITIES UNDER THE
31 PROGRAM DEVELOPED AND IMPLEMENTED UNDER PARAGRAPH (1) OF THIS
32 SUBSECTION IN IDENTIFYING AND PROVIDING VOLUNTEERS FROM ITS STUDENT
33 BODY TO TUTOR , MENTOR, AND PROVIDE ANY OTHER SERVICES TO FIP RECIPIENTS
34 FOR PURPOSES OF ASSISTING FIP RECIPIENTS IN OBTAINING EMPLOYMENT AND
35 MEETING ANY OTHER FIP REQUIREMENTS UNDER THIS SUBTITLE.

36 48.

37 (a) A family is potentially eligible for assistance under this subtitle only if the
38 family includes:

5

1 (1) A minor child who resides with a custodial parent or other adult
2 caretaker relative of the child; or

3 (2) A pregnant individual.

4 (b) Assistance shall be provided under this subtitle only if the applicant for or
5 recipient of assistance:

6 (1) Resides in this State at the time of application for the assistance;

7 (2) AT THE TIME OF APPLICATION FOR ASSISTANCE, SIGNS AND
8 RETURNS TO THE MANAGED CARE ORGANIZATION IN WHICH THE APPLICANT OR
9 RECIPIENT IS ENROLLED IN ACCORDANCE WITH THE MANAGED CARE PROGRAM
10 ESTABLISHED UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE A
11 MEDICAL RELEASE FORM THAT WOULD ALLOW THE DEPARTMENT OR ITS
12 DESIGNEE TO RECEIVE THE RESULTS OF ANY SUBSTANCE ABUSE SCREENING,
13 ASSESSMENT, OR OTHER TEST PERFORMED ON THE APPLICANT OR RECIPIENT BY
14 THE MANAGED CARE ORGANIZATION OR ITS DESIGNEE FOR THE PURPOSE OF
15 DETERMINING THE APPLICANT'S OR RECIPIENT'S NEED FOR SUBSTANCE ABUSE
16 TREATMENT;

17 [(2)] (3) (i) Has applied for child support services with the appropriate
18 local child support enforcement office at the time of application for the assistance; and

19 (ii) Complies with the requirements of the local child support
20 enforcement office;

21 [(3)] (4) Has engaged in job search activities as requested by the
22 Department;

23 [(4)] (5) Participates in work activity under this subtitle, unless exempt
24 under criteria established by the Secretary which shall include the following groups of
25 individuals:

26 (i) Adults who are required to care for a child who is a recipient
27 under age 1;

28 (ii) Subject to subsection (c) of this section, adults and children who
29 are recipients and who are severely disabled; and

30 (iii) Subject to subsection (c) of this section, children 16 years of age
31 and older who are not in school and who are severely disabled; and

32 [(5)] (6) Meets all other FIP program requirements that the Secretary
33 establishes by regulation.

34 (c) An individual may not be exempt as severely disabled under [subsection
35 (b)(4)] SUBSECTION (B)(5) of this section for more than 12 months unless:

36 (1) That individual applies for Supplemental Security Income; and

37 (2) The application is approved, pending, or in the appeal stage.

6

1 (D) IN ADDITION TO THE PROVISIONS OF THIS SECTION, SUBJECT TO THE
2 LIMITATIONS OF THE STATE BUDGET, ASSISTANCE SHALL BE PROVIDED UNDER
3 THIS SUBTITLE TO LEGAL IMMIGRANTS WHO MEET FIP ELIGIBILITY REQUIREMENTS
4 UNDER THIS SUBTITLE AND ANY OTHER REQUIREMENTS IMPOSED BY THE STATE
5 AND WHO:

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

7 (2) PREVIOUSLY LIVED IN A STATE THAT PROVIDED CASH ASSISTANCE
8 TO LEGAL IMMIGRANTS.

9 50.

10 (b) A local department shall provide temporary cash assistance only if:

11 (1) The recipient meets the conditions for participation in the FIP program
12 set forth in § 48 of this subtitle;

13 (2) [Except for child support accrued on behalf of the child for whom a
14 child-specific benefit is paid pursuant to subsection (d)(5) of this section, the] THE
15 applicant or recipient assigns to the State all right, title, and interest in support from any
16 other person that the applicant or recipient has on behalf of any intended or potential
17 recipient for whom the applicant or recipient is applying for or receiving assistance,
18 including any right accrued when the assignment is executed;

19 (3) [The applicant or recipient is a minor parent and] IN THE CASE OF AN
20 APPLICANT OR RECIPIENT WHO IS A MINOR PARENT, the minor parent lives:

21 (i) With a parent, legal guardian, custodian, or other adult relative
22 who will be the payee of the minor parent;

23 (ii) In an adult-supervised group living arrangement that shall provide
24 a protective payee, IF THERE IS NO AVAILABLE PARENT, LEGAL GUARDIAN,
25 CUSTODIAN, OR OTHER ADULT RELATIVE WITH WHOM THE MINOR PARENT CAN
26 LIVE OR THE MINOR PARENT WOULD BE SUBJECT TO PHYSICAL OR EMOTIONAL
27 HARM, SEXUAL ABUSE, OR NEGLECT IN THE HOME OF ANY AVAILABLE ADULT
28 RELATIVE OR A SOCIAL SERVICE WORKER OTHERWISE FINDS THAT LIVING WITH
29 ANY AVAILABLE ADULT RELATIVE WOULD NOT BE IN THE MINOR PERSON'S BEST
30 INTEREST; or

31 (iii) Independently, if a social service worker confirms that the minor
32 parent or child's physical safety or emotional health would otherwise be in jeopardy; and

33 (4) In the case of an applicant or recipient who is an immigrant, for a period
34 of 3 years from the date of the immigrant's entry into the United States, unless a different
35 period of time is set by the federal government, the applicant or recipient is a legal
36 immigrant, whose income and resources shall be deemed to include the income and
37 resources of any sponsor who executed an affidavit of support pursuant to § 213A of the
38 Immigration and Naturalization Act in behalf of the legal immigrant.

39 (f) (1) This subsection does not apply to a birth resulting from rape or incest.

7

1 (2) Except as provided in paragraph (3) of this subsection, temporary cash
2 assistance may not include the increment in cash benefits under the program for which a
3 recipient would otherwise be eligible as a result of the birth of a child 10 or more months
4 after the recipient's initial application for temporary cash assistance benefits.

5 (3) Cash payments for a child may not be made to a family other than the
6 child's family unless the Social Services Administration has placed the child with the
7 other family.

8 (4) [Notwithstanding any other provision of law, a single custodial parent
9 who is ineligible for an increment in cash benefits as provided by this subsection shall
10 receive the total value of all child support payments due and collected for that child.

11 (5)] The Department shall provide for a recipient ineligible for an increment
12 in cash benefits under this subsection a child-specific benefit not to exceed[, when
13 combined with any child support payments made under paragraph (4) of this subsection,]
14 the value of the increment eliminated by this subsection for the purchase of goods
15 specified by the Department as suitable for the care of a minor.

16 (5) A LOCAL DEPARTMENT MAY PAY AN ADMINISTRATIVE FEE TO A
17 THIRD PARTY PAYEE TO COVER THE ADMINISTRATIVE COSTS OF THE THIRD PARTY
18 PAYEE FOR MANAGING THE CHILD-SPECIFIC BENEFIT.

19 (h) (1) After termination of temporary cash assistance under this section, the
20 recipient may receive transitional assistance.

21 (2) If the caseworker determines that the local department shall provide
22 transitional assistance, the FIP benefit that would have been paid to the recipient shall be
23 paid instead to a [nonprofit organization] THIRD PARTY PAYEE on behalf of the
24 recipient for a period of up to 3 months.

25 (3) A recipient who has received transitional assistance may apply for the
26 FIP benefit and the benefit shall be furnished with reasonable promptness to all eligible
27 individuals.

28 (4) The [nonprofit organization] THIRD PARTY PAYEE shall provide
29 transitional assistance to the recipient in one or more of the following forms:

30 (i) Counseling;

31 (ii) Housing;

32 (iii) Child care;

33 (iv) Household supplies and equipment;

34 (v) Direct assistance other than a cash payment; and

35 (vi) Any other noncash assistance that may be necessary to assist the
36 recipient to make the transition from welfare.

37 (5) Subject to the approval of the Secretary, the caseworker, in conjunction
38 with the recipient, shall select the [nonprofit organization] THIRD PARTY PAYEE
39 described under paragraph (2) of this subsection.

8

1 (6) A LOCAL DEPARTMENT MAY PAY AN ADMINISTRATIVE FEE TO A
2 THIRD PARTY PAYEE TO COVER THE ADMINISTRATIVE COSTS OF THE THIRD PARTY
3 PAYEE FOR PROVIDING THE SERVICES DESCRIBED IN PARAGRAPH (4) OF THIS
4 SUBSECTION.

5 [(6)] (7) No portion of the funds provided through transitional assistance
6 may be used for the furtherance of sectarian religious instruction.

7 50A.

8 (A) (1) AT INITIAL APPLICATION FOR TEMPORARY CASH ASSISTANCE, A
9 LOCAL DEPARTMENT SHALL ASSESS THE NEED OF AN APPLICANT FOR SUBSTANCE
10 ABUSE TREATMENT.

11 (2) TO ASSIST IN DETERMINING WHETHER AN APPLICANT HAS A NEED
12 FOR SUBSTANCE ABUSE TREATMENT, THE LOCAL DEPARTMENT SHALL USE AN
13 ENHANCED ASSESSMENT OF THE APPLICANT THAT WOULD EXPOSE ANY POTENTIAL
14 BARRIERS THAT THE APPLICANT MAY HAVE IN OBTAINING EMPLOYMENT SUCH AS
15 HAVING A SUBSTANCE ABUSE PROBLEM.

16 (3) THE LOCAL DEPARTMENT SHALL INFORM EACH APPLICANT OF THE
17 REQUIREMENTS OF FIP REGARDING SUBSTANCE ABUSE TREATMENT.

18 (4) AFTER THE APPLICANT IS CERTIFIED ELIGIBLE FOR TEMPORARY
19 CASH ASSISTANCE UNDER THIS SUBTITLE AND FOR MEDICAL ASSISTANCE UNDER
20 TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE, THE APPLICANT SHALL
21 BE SCREENED FOR SUBSTANCE ABUSE AS PART OF THE INITIAL HEALTH SCREEN
22 REQUIRED TO BE PERFORMED BY A MANAGED CARE ORGANIZATION IN
23 ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH
24 AND MENTAL HYGIENE UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL
25 ARTICLE.

26 (B) (1) IF THE INITIAL HEALTH SCREEN OR ANY FOLLOW-UP DIAGNOSTIC
27 TESTING OR TREATMENT PERFORMED BY A MANAGED CARE ORGANIZATION
28 REVEALS THAT A RECIPIENT HAS A SUBSTANCE ABUSE PROBLEM, THE MANAGED
29 CARE ORGANIZATION SHALL REFER THE RECIPIENT FOR APPROPRIATE SUBSTANCE
30 ABUSE TREATMENT, AS REQUIRED BY REGULATIONS ADOPTED BY THE
31 DEPARTMENT OF HEALTH AND MENTAL HYGIENE UNDER TITLE 15, SUBTITLE 1 OF
32 THE HEALTH - GENERAL ARTICLE.

33 (2) (I) THE MANAGED CARE ORGANIZATION SHALL NOTIFY THE
34 LOCAL DEPARTMENT THAT A RECIPIENT HAS BEEN REFERRED FOR APPROPRIATE
35 SUBSTANCE ABUSE TREATMENT.

36 (II) AS PART OF ITS NOTIFICATION UNDER SUBPARAGRAPH (I) OF
37 THIS PARAGRAPH, THE MANAGED CARE ORGANIZATION SHALL NOTIFY THE LOCAL
38 DEPARTMENT IF THE RECIPIENT:

39 1. IS COMPLYING WITH THE TREATMENT PROTOCOL;

40 2. IS NOT COMPLYING WITH THE TREATMENT PROTOCOL;

9

1 3. IS AWAITING THE AVAILABILITY OF APPROPRIATE
2 TREATMENT; OR

3 4. HAS SUCCESSFULLY COMPLETED THE TREATMENT.

4 (3) A MANAGED CARE ORGANIZATION SHALL NOTIFY THE LOCAL
5 DEPARTMENT WHENEVER THERE IS ANY CHANGE IN THE RECIPIENT'S STATUS IN
6 REGARD TO SUBSTANCE ABUSE TREATMENT.

7 (C) A RECIPIENT WHO COMPLIES WITH THE REQUIREMENTS OF THE FIP IN
8 REGARD TO SUBSTANCE ABUSE TREATMENT:

9 (1) SHALL RECEIVE THE FULL TEMPORARY CASH ASSISTANCE BENEFIT
10 AS LONG AS THE RECIPIENT CONTINUES TO MEET OTHER TEMPORARY CASH
11 ASSISTANCE ELIGIBILITY REQUIREMENTS; AND

12 (2) MAY BE EXEMPT FROM THE WORK REQUIREMENTS FOR A PERIOD
13 OF TIME DETERMINED BY THE LOCAL DEPARTMENT.

14 (D) A RECIPIENT SHALL BE CONSIDERED NOT IN COMPLIANCE WITH FIP
15 REQUIREMENTS, IF THE LOCAL DEPARTMENT RECEIVES NOTICE FROM THE
16 DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS DESIGNEE THAT THE
17 RECIPIENT:

18 (1) HAS NOT COMPLETED THE INITIAL HEALTH SCREEN REQUIRED BY
19 THE RECIPIENT'S MANAGED CARE ORGANIZATION IN ACCORDANCE WITH
20 REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE
21 UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE; OR

22 (2) WAS REFERRED FOR APPROPRIATE SUBSTANCE ABUSE TREATMENT
23 BY THE MANAGED CARE ORGANIZATION, BUT THE RECIPIENT FAILED TO
24 SATISFACTORILY COMPLY OR COMPLETE THE TREATMENT PROTOCOL.

25 (E) AFTER RECEIVING THE NOTICE UNDER SUBSECTION (D) OF THIS
26 SECTION, THE LOCAL DEPARTMENT SHALL SEND A NOTICE TO THE RECIPIENT
27 INFORMING THE RECIPIENT THAT:

28 (1) THE RECIPIENT IS NOT IN COMPLIANCE WITH FIP REQUIREMENTS,
29 INCLUDING THE SPECIFIC REASONS WHY THE RECIPIENT IS CONSIDERED NOT IN
30 COMPLIANCE WITH FIP REQUIREMENTS; AND

31 (2) 30 DAYS AFTER THE DATE OF THE NOTICE:

32 (I) THE RECIPIENT'S TEMPORARY CASH ASSISTANCE BENEFITS
33 WILL BE REDUCED BY THAT INCREMENT IN CASH BENEFITS THAT INCLUDED THE
34 ADULT RECIPIENT; AND

35 (II) THE REMAINDER OF THE CASH BENEFITS FOR THE CHILD OR
36 CHILDREN IN THE FIP CASE WILL BE PAID TO A THIRD PARTY PAYEE.

37 (F) (1) THE LOCAL DEPARTMENT SHALL REDUCE A RECIPIENT'S
38 TEMPORARY CASH ASSISTANCE BENEFITS AND PAY THE REMAINDER OF THE CASH

10

1 BENEFITS TO A THIRD PARTY PAYEE AS DESCRIBED IN SUBSECTION (E) OF THIS
2 SECTION, IF THE RECIPIENT:

3 (I) RECEIVES THE INITIAL HEALTH SCREEN AND THE INITIAL
4 HEALTH SCREEN OR THE RESULTS OF ANY FOLLOW-UP DIAGNOSTIC TESTING OR
5 TREATMENT REVEAL THAT THE RECIPIENT IS A SUBSTANCE ABUSER; AND

6 (II) REFUSES TO PARTICIPATE IN AVAILABLE AND APPROPRIATE
7 SUBSTANCE ABUSE TREATMENT.

8 (2) THE LOCAL DEPARTMENT SHALL CONTINUE TO MAKE PAYMENTS
9 TO A THIRD PARTY PAYEE UNTIL THE LOCAL DEPARTMENT RECEIVES NOTICE
10 FROM THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS DESIGNEE
11 THAT THE RECIPIENT IS COMPLYING WITH THE APPROPRIATE SUBSTANCE ABUSE
12 TREATMENT INDICATED BY THE MANAGED CARE ORGANIZATION.

13 (G) THE LOCAL DEPARTMENT MAY NOT REDUCE A RECIPIENT'S TEMPORARY
14 CASH BENEFIT AS DESCRIBED UNDER SUBSECTION (E) OF THIS SECTION, IF THE
15 RECIPIENT:

16 (1) RECEIVES THE INITIAL HEALTH SCREEN AND THE INITIAL HEALTH
17 SCREEN OR THE RESULTS OF ANY FOLLOW-UP DIAGNOSTIC TESTING OR
18 TREATMENT REVEAL THAT THE RECIPIENT IS A SUBSTANCE ABUSER; AND

19 (2) AGREES TO PARTICIPATE IN APPROPRIATE SUBSTANCE ABUSE
20 TREATMENT, BUT THE APPROPRIATE SUBSTANCE ABUSE TREATMENT INDICATED IS
21 NOT AVAILABLE.

22 (H) IF A RECIPIENT'S TEMPORARY CASH ASSISTANCE IS REDUCED UNDER
23 SUBSECTION (E) OF THIS SECTION BECAUSE THE RECIPIENT FAILED TO RECEIVE
24 THE INITIAL HEALTH SCREEN, THE LOCAL DEPARTMENT SHALL CONTINUE TO
25 MAKE PAYMENT OF THE RECIPIENT'S REDUCED TEMPORARY CASH ASSISTANCE
26 BENEFIT UNTIL THE LOCAL DEPARTMENT RECEIVES NOTICE FROM THE
27 DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS DESIGNEE THAT THE
28 RECIPIENT HAS RECEIVED THE INITIAL HEALTH SCREEN.

29 (I) IF TEMPORARY CASH ASSISTANCE IS REDUCED UNDER THIS SECTION,
30 THE RECIPIENT SHALL RETAIN ELIGIBILITY FOR MEDICAL ASSISTANCE AND FOOD
31 STAMPS, AS LONG AS THE RECIPIENT MEETS THE MEDICAL ASSISTANCE AND FOOD
32 STAMP PROGRAM REQUIREMENTS.

33 53.

34 (c) (1) Nonprofit organizations operating demonstration projects jointly
35 developed with local departments of social services under this section shall seek, from
36 institutions of [postsecondary] HIGHER education, volunteer assistance for tutoring and
37 mentoring participants in the demonstration project.

38 (2) Institutions of [postsecondary] HIGHER education shall cooperate with
39 nonprofit organizations seeking volunteers under paragraph (1) of this subsection.

11

1 (3) Institutions of [postsecondary] HIGHER education may provide school
2 credits to students who participate in demonstration projects under this section with
3 satisfactory results.

4 88.

5 (a) The Department of Human Resources may implement, in accordance with the
6 provisions of the federal Food Stamp Act, a food stamp program in which the City of
7 Baltimore and all counties of the State shall participate and for which the State shall bear
8 the nonfederal portion of the administrative costs for the respective jurisdictions. The
9 food stamp program shall be administered by the City of Baltimore and all counties of the
10 State under the supervision and control of the Department of Human Resources and in
11 conformity with the rules and regulations of the Department of Human Resources and
12 applicable federal statutes, rules and regulations.

13 (b) If requested by the Department of Human Resources, the City of Baltimore
14 and all counties of the State shall enter into a written agreement with the Department of
15 Human Resources providing for the implementation and administration of the food
16 stamp program in the City of Baltimore and all counties of the State.

17 (c) (1) In the event that the City of Baltimore or any of the counties of the State
18 fails or refuses to participate in and administer a food stamp program, the Department of
19 Human Resources may administer the program in the City of Baltimore or counties of the
20 State.

21 (2) The Department of Human Resources may file an action in the court of
22 appropriate jurisdiction to compel the City of Baltimore or the county to fulfill its federal
23 requirements under this section.

24 (d) (1) [If] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
25 IF any provision of this subtitle conflicts with any applicable federal statute, rule or
26 regulation, the federal statute, rule or regulation shall prevail.

27 (2) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE
28 DEPARTMENT OF HUMAN RESOURCES SHALL PROVIDE OR HAVE PROVIDED FOOD
29 STAMP BENEFITS, AS DESCRIBED IN SUBSECTIONS (A) AND (B) OF THIS SECTION, TO
30 LEGAL IMMIGRANT CHILDREN UNDER THE AGE OF 18 YEARS WHO MEET FOOD
31 STAMP PROGRAM ELIGIBILITY REQUIREMENTS AND ANY OTHER REQUIREMENTS
32 IMPOSED BY THE STATE.

33 (3) THE DEPARTMENT OF HUMAN RESOURCES SHALL CERTIFY ALL
34 ACTIVE CASES WITH LEGAL IMMIGRANTS THROUGH AUGUST 31, 1997.

35 **Article - Courts and Judicial Proceedings**

36 5-312.

37 (a) (1) In this section the following words have the meanings indicated.

38 (2) (i) "Agent of an association or organization" means a director, officer,
39 trustee, employee, or volunteer of an association or organization who provides services or
40 performs duties on behalf of the association or organization.

12

1 (ii) "Agent of an association or organization" does not include an
2 independent contractor who provides services or performs duties on behalf of the
3 association or organization on a contractual basis.

4 (10) (I) "Volunteer" means an officer, director, trustee, or other person
5 who provides services or performs duties on behalf of an association or organization
6 without receiving compensation.

7 (II) "VOLUNTEER" INCLUDES AN INDIVIDUAL WHO IS ENGAGED IN
8 A COMMUNITY SERVICE WORK ACTIVITY UNDER THE FAMILY INVESTMENT
9 PROGRAM ESTABLISHED UNDER ARTICLE 88A OF THE CODE.

10 (b) Except as provided in subsection (d) of this section, an agent of an association
11 or organization is not personally liable for damages in any suit if:

12 (1) The association or organization maintains insurance covering liability
13 incurred by the association or organization or its agents, or both, as a result of the acts or
14 omissions of its agents in providing services or performing duties on behalf of the
15 association or organization;

16 (2) The terms of the insurance policy under which the insurance is
17 maintained provide coverage for the act or omission which is the subject matter of the suit
18 and no meritorious basis exists for the denial of the coverage by the insurance carrier; and

19 (3) The insurance has:

20 (i) A limit of coverage of not less than:

21 1. \$200,000 per individual claim, and \$500,000 per total claims
22 that arise from the same occurrence; or

23 2. \$750,000 per policy year, and \$500,000 per total claims that
24 arise from the same occurrence; and

25 (ii) 1. If the insurance has a deductible, a deductible amount not
26 greater than \$10,000 per occurrence; or

27 2. If there is coinsurance, a rate of coinsurance not greater than
28 20 percent.

29 5-313.

30 (a) (1) In this section the following words have the meanings indicated.

31 (3) (i) "Community recreation program" means an athletic, fitness, or
32 recreation activity:

33 1. Organized for pleasure, recreation, or other nonprofit
34 purposes;

35 2. That has substantially all of its activities conducted for
36 pleasure, recreation, or other nonprofit purposes; and

37 3. That does not have any part of the net earnings benefiting
38 any private shareholder.

13

1 (ii) "Community recreation program" does not include a public or
2 private educational institution's athletic program.

3 (5) (I) "Volunteer" means a person who provides services or performs
4 duties as an athletic coach, manager, official, program leader, or assistant for a
5 community recreation program without receiving compensation.

6 (II) "VOLUNTEER" INCLUDES AN INDIVIDUAL WHO IS ENGAGED IN
7 A COMMUNITY SERVICE WORK ACTIVITY UNDER THE FAMILY INVESTMENT
8 PROGRAM ESTABLISHED UNDER ARTICLE 88A OF THE CODE.

9 (b) Except as provided in subsection (c) of this section, a volunteer is not
10 personally liable for damages in any civil action brought against the volunteer by virtue of
11 the volunteer's act or omission in providing services or performing duties on behalf of a
12 community recreation program.

13 5-314.

14 (a) (1) In this section the following words have the meanings indicated.

15 (2) "Association or organization" means:

16 (i) A business league;

17 (ii) A charitable organization;

18 (iii) A civic league;

19 (iv) A club;

20 (v) A labor, agricultural, or horticultural organization; or

21 (vi) A local association of employees.

22 (3) "Business league" means a league, chamber of commerce, real estate
23 board, or board of trade that is exempt from taxation under § 501(c)(6) of the Internal
24 Revenue Code.

25 (4) "Charitable organization" means an organization, institution,
26 association, society, or corporation that is exempt from taxation under § 501(c)(3) of the
27 Internal Revenue Code.

28 (5) "Civic league" means an organization, institution, association, society, or
29 corporation that is exempt from taxation under § 501(c)(4) of the Internal Revenue Code.

30 (6) "Club" means an organization, institution, association, society, or
31 corporation that is exempt from taxation under § 501(c)(7) of the Internal Revenue Code.

32 (8) "Labor, agricultural, or horticultural organization" means an
33 organization, institution, association, society, or corporation that is exempt from taxation
34 under § 501(c)(5) of the Internal Revenue Code.

35 (9) "Local association of employees" means an association of employees, the
36 membership of which is limited to the employees of a designated person or persons in a

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1 particular municipality, that is exempt from taxation under § 501(c)(4) of the Internal
2 Revenue Code.

3 (11) (i) "Volunteer" means an officer, director, trustee, or other person
4 who provides services or performs duties for an association or organization without
5 receiving compensation.

6 (II) "VOLUNTEER" INCLUDES AN INDIVIDUAL WHO IS ENGAGED IN
7 A COMMUNITY SERVICE WORK ACTIVITY UNDER THE FAMILY INVESTMENT
8 PROGRAM ESTABLISHED UNDER ARTICLE 88A OF THE CODE.

9 [(ii)] (III) In a health care malpractice action, "volunteer" does not
10 include a provider of health care services or an employee who performs duties on behalf
11 of a charitable organization.

12 (b) A volunteer is not liable in damages beyond the limits of any personal
13 insurance the volunteer may have in any suit that arises from an act or omission of an
14 officer, director, employee, trustee, or another volunteer of the association or
15 organization for which the volunteer performs services, unless:

16 (1) The volunteer knew or should have known of an act or omission of a
17 particular officer, director, employee, trustee, or another volunteer, and the volunteer
18 authorizes, approves, or otherwise actively participates in that act or omission; or

19 (2) After an act or omission of a particular officer, director, employee,
20 trustee, or another volunteer, the volunteer, with full knowledge of that act or omission,
21 ratifies it.

22 **Article - Health - General**

23 15-103.

24 (a) (1) The Secretary shall administer the Maryland Medical Assistance
25 Program.

26 (2) The Program:

27 (i) Subject to the limitations of the State budget, shall provide
28 comprehensive medical and other health care services for indigent individuals or
29 medically indigent individuals or both;

30 (ii) Shall provide, subject to the limitations of the State budget,
31 comprehensive medical and other health care services for all eligible pregnant women
32 and, at a minimum, all children currently under the age of 1 whose family income falls
33 below 185 percent of the poverty level, as permitted by the federal law;

34 (iii) Shall provide, subject to the limitations of the State budget, family
35 planning services to women currently eligible for comprehensive medical care and other
36 health care under item (ii) of this paragraph for 5 years after the second month following
37 the month in which the woman delivers her child;

38 (iv) Shall provide, subject to the limitations of the State budget,
39 comprehensive medical and other health care services for all children from the age of 1

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1 year up through and including the age of 5 years whose family income falls below 133
2 percent of the poverty level, as permitted by the federal law;

3 (v) Shall provide, subject to the limitations of the State budget,
4 comprehensive medical care and other health care services for all children born after
5 September 30, 1983 who are at least 6 years of age but are under 19 years of age whose
6 family income falls below 100 percent of the poverty level, as permitted by federal law;

7 (VI) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE STATE
8 BUDGET, COMPREHENSIVE MEDICAL CARE AND OTHER HEALTH CARE SERVICES
9 FOR ALL LEGAL IMMIGRANTS WHO MEET PROGRAM ELIGIBILITY STANDARDS AND
10 WHO ARRIVED IN THE UNITED STATES ON OR BEFORE AUGUST 22, 1996, THE
11 EFFECTIVE DATE OF THE FEDERAL RESPONSIBILITY AND WORK OPPORTUNITY
12 RECONCILIATION ACT, AS PERMITTED BY FEDERAL LAW;

13 (VII) SHALL PROVIDE, SUBJECT TO THE LIMITATIONS OF THE STATE
14 BUDGET AND ANY OTHER REQUIREMENTS IMPOSED BY THE STATE,
15 COMPREHENSIVE MEDICAL CARE AND OTHER HEALTH CARE SERVICES FOR ALL
16 LEGAL IMMIGRANT CHILDREN UNDER THE AGE OF 18 YEARS AND PREGNANT
17 WOMEN WHO MEET PROGRAM ELIGIBILITY STANDARDS AND WHO ARRIVED IN THE
18 UNITED STATES AFTER AUGUST 22, 1996, THE EFFECTIVE DATE OF THE FEDERAL
19 RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT;

20 [(vi)] (VIII) May include bedside nursing care for eligible Program
21 recipients; and

22 [(vii)] (IX) Shall provide services in accordance with funding
23 restrictions included in the annual State budget bill.

24 (3) Subject to restrictions in federal law or waivers, the Department may
25 impose cost-sharing on Program recipients.

26 (b) (1) As permitted by federal law or waiver, the Secretary may establish a
27 program under which Program recipients are required to enroll in managed care
28 organizations.

29 (2) (i) The benefits required by the program developed under paragraph
30 (1) of this subsection shall be adopted by regulation and shall be equivalent to the benefit
31 level required by the Maryland Medical Assistance Program on January 1, 1996.

32 (II) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND AS
33 PERMITTED BY FEDERAL LAW OR WAIVER, THE DEPARTMENT SHALL REQUIRE
34 EACH MANAGED CARE ORGANIZATION PARTICIPATING IN THE PROGRAM
35 DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO INCLUDE IN ITS
36 BENEFIT PACKAGE MEDICALLY NECESSARY AND APPROPRIATE INPATIENT,
37 INTERMEDIATE CARE, AND HALFWAY HOUSE SUBSTANCE ABUSE TREATMENT
38 SERVICES FOR SUBSTANCE ABUSING ENROLLEES 21 YEARS OF AGE OR OLDER WHO
39 ARE RECIPIENTS OF TEMPORARY CASH ASSISTANCE UNDER THE FAMILY
40 INVESTMENT PROGRAM.

41 [(ii)] (III) Nothing in this paragraph may be construed to prohibit a
42 managed care organization from offering additional benefits, if the managed care

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1 organization is not receiving capitation payments based on the provision of the additional
2 benefits.

3 **Article - State Government**

4 12-101.

5 (a) In this subtitle, unless the context clearly requires otherwise, "State
6 personnel" means:

7 (1) a State employee or official who is paid in whole or in part by the
8 Central Payroll Bureau in the Office of the Comptroller of the Treasury;

9 (2) an employee or official of the:

10 (i) Maryland Transportation Authority;

11 (ii) Injured Workers' Insurance Fund;

12 (iii) Maryland Stadium Authority;

13 (iv) Maryland Environmental Service;

14 (v) overseas programs of the University College of the University of
15 Maryland System; and

16 (vi) Maryland Economic Development Corporation;

17 (3) a person who:

18 (i) is a member of a State board, commission, or similar State entity;
19 or

20 (ii) 1. is providing a service to or for the State;

21 2. is not paid in whole or in part by the State; and

22 3. satisfies all other requirements for designation as State
23 personnel as may be set forth in regulations adopted by the Treasurer pursuant to Title 10
24 of this article;

25 (4) an individual who, without compensation, exercises a part of the
26 sovereignty of the State;

27 (5) a student enrolled in a State educational institution:

28 (i) who is providing services to third parties in the course of
29 participation in an approved clinical training or academic program;

30 (ii) who, as determined by the Treasurer, is required to have liability
31 insurance covering claims arising from services to third parties performed by the student
32 in the course of the approved clinical training or academic program;

33 (iii) who, as determined by the Treasurer, cannot obtain commercial
34 liability insurance at an affordable cost; and

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1 (iv) who, as determined by the Treasurer, may be required to
2 contribute to an insurance program for claims arising from services to third parties
3 performed by the student in the course of the approved clinical training or academic
4 program;

5 (6) a sheriff or deputy sheriff of a county or Baltimore City; [or]

6 (7) an employee of a county who is assigned to a local department of social
7 services, including a Montgomery County employee who carries out State programs
8 administered under Article 88A, § 13A(b) of the Code; OR

9 (8) A NONPROFIT ORGANIZATION THAT HAS BEEN APPROVED BY THE
10 DEPARTMENT OF HUMAN RESOURCES OR ITS DESIGNEE TO SERVE AS A THIRD
11 PARTY PAYEE FOR PURPOSES OF PROVIDING TEMPORARY CASH ASSISTANCE,
12 TRANSITIONAL ASSISTANCE, OR CHILD-SPECIFIC BENEFITS TO FAMILY INVESTMENT
13 PROGRAM RECIPIENTS.

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

16 **Chapter 351 of the Acts of 1996**

17 SECTION 11. AND BE IT FURTHER ENACTED, That any savings the Family
18 Investment Program, as of July 1 of each year, anticipates achieving during the current
19 fiscal year through caseload reductions or other reductions in the total amount of cash
20 benefits actually paid to families compared to the total amount of cash assistance benefits
21 to families budgeted shall be available for reallocation within the budget of the
22 Department to support activities through local departments of social services as follows:

23 (1) 10% of the savings to the demonstration projects created in § 53 of
24 Article 88A of the Code as enacted by this Act;

25 (2) 45% of the savings that were generated for the 2-year period following
26 the effective date of this Act shall be allocated in accordance with the savings achieved by
27 each local department of social services AND ANY OF THE SAVINGS THAT REMAINS
28 UNEXPENDED AFTER THE CURRENT FISCAL YEAR MAY BE CARRIED OVER INTO
29 THE NEXT FISCAL YEAR; and

30 (3) 45% of the savings to child care, work activities, welfare avoidance, drug
31 treatment for targeted recipients, emergency funds for applicants and recipients,
32 administration to the extent that additional administrative costs are required to
33 effectively implement this program, or any other direct service to applicants or recipients
34 that the Secretary deems appropriate to further the purposes of this Act.

35 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Health
36 and Mental Hygiene shall apply for a waiver from the Health Care Financing
37 Administration of the federal Department of Health and Human Services or take other
38 such steps that are necessary to receive federal reimbursement for the provision of
39 inpatient, intermediate, and halfway house substance abuse treatment services for adult
40 substance abusing recipients of Family Investment Program benefits.

1 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in
2 Section 2 of this Act, at the end of Fiscal Years 1997 and 1998, any excess funds that
3 remain from the Fiscal Years 1997 and 1998 appropriations to the Family Investment
4 Program shall be transferred to the Citizens Tax Reduction and Fiscal Reserve Account.
5 Funds from the Citizens Tax Reduction and Fiscal Reserve Account may only be
6 appropriated through the annual budget bill or by budget amendment after approval by
7 the Legislative Policy Committee after the Legislative Policy Committee has referred the
8 appropriation request to the Joint Committee on Welfare Reform and the budget
9 committees for their recommendations.

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 1997.