

CF 7r1454

**By: Senators Madden, Astle, Della, Roesser, Dorman, Currie, and ~~Bromwell~~ Bromwell,
Derr, Hafer, Teitelbaum, Trotter, and Young**

Introduced and read first time: January 30, 1997

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 12, 1997

CHAPTER ____

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

2
 1 to certain Family Investment Program recipients under certain circumstances;
 2 defining a certain term; altering certain provisions of law related to the immunity of
 3 ~~volunteers~~ individuals engaged in certain community service work activity for
 4 certain actions under certain circumstances; altering the Maryland Tort Claims Act
 5 to include certain nonprofit organizations ~~that are serving as third party payees for~~
 6 ~~purposes of~~ and certain students, faculty, and staff members of institutions of higher
 7 education providing certain services under the Family Investment Program and
 8 certain other individuals providing a certain service under the Family Investment
 9 Program under certain circumstances; authorizing local departments of social
 10 services to carry over certain savings under certain circumstances; requiring that
 11 certain funds be transferred to a certain account and restricting the manner in
 12 which funds in the account may be appropriated; authorizing the Secretary of
 13 Human Resources to grant certain waivers; specifying legislative intent in regard to
 14 the employment or assignment of adult Family Investment Program recipients;
 15 requiring a certain grievance procedure; making provisions of this Act severable;
 16 providing for the effective date of certain provisions of this Act; providing for the
 17 termination of a certain provision of this Act; and generally relating to the Family
 18 Investment Program and modifications and clarifications to the Family Investment
 19 Program.

20 BY repealing and reenacting, with amendments,
 21 Article 88A - Department of Human Resources
 22 Section 44A, 47(a), 48, 50(b), (f), and (h), 53(c), and 88
 23 Annotated Code of Maryland
 24 (1995 Replacement Volume and 1996 Supplement)

25 BY adding to
 26 Article 88A - Department of Human Resources
 27 Section 47(d) and 50A
 28 Annotated Code of Maryland
 29 (1995 Replacement Volume and 1996 Supplement)

30 ~~BY repealing and reenacting, without amendments,~~
 31 ~~Article - Courts and Judicial Proceedings~~
 32 ~~Section 5-312(a)(1) and (2) and (b), 5-313(a)(1) and (3) and (b), and 5-314(a)(1),~~
 33 ~~(2), (3), (4), (5), (6), (8), and (9), and (b)~~
 34 ~~Annotated Code of Maryland~~
 35 ~~(1995 Replacement Volume and 1996 Supplement)~~

36 BY repealing and reenacting, with amendments,
 37 Article - Courts and Judicial Proceedings
 38 ~~Section 5-312(a)(10), 5-313(a)(5), and 5-314(a)(11)~~
 39 Section 5-399.6
 40 Annotated Code of Maryland
 41 (1995 Replacement Volume and 1996 Supplement)

42 BY repealing and reenacting, with amendments,

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1 Article - Health - General
2 Section 15-103(a) and (b)(2)
3 Annotated Code of Maryland
4 (1994 Replacement Volume and 1996 Supplement)

5 BY repealing and reenacting, without amendments,
6 Article - Health - General
7 Section 15-103(b)(1)
8 Annotated Code of Maryland
9 (1994 Replacement Volume and 1996 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - State Government
12 Section 12-101(a)
13 Annotated Code of Maryland
14 (1995 Replacement Volume and 1996 Supplement)

15 BY repealing and reenacting, with amendments,
16 Chapter 351 of the Acts of the General Assembly of 1996
17 Section 11

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

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

21 44A.

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

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

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

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

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

28 (f) "Individualized case-management project" means a welfare demonstration
29 project providing coordination and intensive case management of FIP and related
30 benefits and services.

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

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

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

4

- 1 (1) Job search activity;
- 2 (2) Subsidized employment in either the public or private sector;
- 3 (3) Grant diversion;
- 4 (4) Work experience;
- 5 (5) On-the-job training;
- 6 (6) Community service;
- 7 (7) Training directly related to employment; and
- 8 (8) Education directly related to employment.

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

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

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

13 (M) "THIRD PARTY PAYEE" MEANS:

- 14 (1) AN INDIVIDUAL APPROVED BY THE DEPARTMENT;
- 15 (2) A NONPROFIT ORGANIZATION;
- 16 (3) A FOR-PROFIT ORGANIZATION; OR
- 17 (4) A GOVERNMENTAL ENTITY, WHICH MAY INCLUDE A LOCAL
18 DEPARTMENT.

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

22 47.

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

26 (D) (1) IN ADDITION TO THE PROVISIONS OF § 53(C) OF THIS SUBTITLE, ON
27 OR BEFORE OCTOBER 1, 1997, EACH INSTITUTION OF HIGHER EDUCATION SHALL
28 DEVELOP AND IMPLEMENT A PROGRAM THAT WILL ENCOURAGE, IDENTIFY, AND
29 PROVIDE ~~VOLUNTEERS FROM ITS STUDENT BODY~~ STUDENTS VOLUNTEERING TO
30 TUTOR, MENTOR, OR PROVIDE ANY OTHER SERVICES TO FIP RECIPIENTS FOR
31 PURPOSES OF ASSISTING FIP RECIPIENTS IN OBTAINING EMPLOYMENT AND
32 MEETING ANY OTHER FIP REQUIREMENTS UNDER THIS SUBTITLE.

33 (2) AN INSTITUTION OF HIGHER EDUCATION SHALL:

5

1 (I) DEVELOP ITS PROGRAM IN COOPERATION WITH THE LOCAL
2 DEPARTMENT IN THE JURISDICTION IN WHICH THE INSTITUTION OF HIGHER
3 EDUCATION IS LOCATED; AND

4 (II) PROVIDE A LIST OF ~~VOLUNTEERS~~ STUDENTS WILLING TO
5 ASSIST FIP RECIPIENTS TO THE LOCAL DEPARTMENT.

6 (3) ON OR BEFORE JULY 1, 1998, AND EACH JULY 1 THEREAFTER, EACH
7 INSTITUTION OF HIGHER EDUCATION SHALL COMPILE AND SUBMIT A REPORT,
8 SUBJECT TO § 2-1312 OF THE STATE GOVERNMENT ARTICLE, TO THE JOINT
9 COMMITTEE ON WELFARE REFORM DETAILING ITS ACTIVITIES UNDER THE
10 PROGRAM DEVELOPED AND IMPLEMENTED UNDER PARAGRAPH (1) OF THIS
11 SUBSECTION IN IDENTIFYING AND PROVIDING ~~VOLUNTEERS FROM ITS STUDENT~~
12 BODY STUDENTS VOLUNTEERING TO TUTOR, MENTOR, AND PROVIDE ANY OTHER
13 SERVICES TO FIP RECIPIENTS FOR PURPOSES OF ASSISTING FIP RECIPIENTS IN
14 OBTAINING EMPLOYMENT ~~AND OR~~ MEETING ANY OTHER FIP REQUIREMENTS
15 UNDER THIS SUBTITLE.

16 48.

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

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

21 (2) A pregnant individual.

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

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

25 ~~(2) AT THE TIME OF APPLICATION FOR ASSISTANCE, SIGNS AND~~
26 ~~RETURNS TO THE MANAGED CARE ORGANIZATION IN WHICH THE APPLICANT OR~~
27 ~~RECIPIENT IS ENROLLED IN ACCORDANCE WITH THE MANAGED CARE PROGRAM~~
28 ~~ESTABLISHED UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL ARTICLE A~~
29 ~~MEDICAL RELEASE FORM THAT WOULD ALLOW THE DEPARTMENT OR ITS~~
30 ~~DESIGNEE TO RECEIVE THE RESULTS OF ANY SUBSTANCE ABUSE SCREENING,~~
31 ~~ASSESSMENT, OR OTHER TEST PERFORMED ON THE APPLICANT OR RECIPIENT BY~~
32 ~~THE MANAGED CARE ORGANIZATION OR ITS DESIGNEE FOR THE PURPOSE OF~~
33 ~~DETERMINING THE APPLICANT'S OR RECIPIENT'S NEED FOR SUBSTANCE ABUSE~~
34 ~~TREATMENT;~~

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

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

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

8 (III) THE RESULTS OF ANY RECIPIENT'S REFERRAL TO SUBSTANCE
9 ABUSE TREATMENT OR CHANGE IN TREATMENT STATUS AS REQUIRED BY §
10 50A(B)(2) AND (3) OF THIS SUBTITLE;

11 [(2)] (3) (i) Has applied for child support services with the appropriate
12 local child support enforcement office at the time of application for the assistance; and

13 (ii) Complies with the requirements of the local child support
14 enforcement office;

15 [(3)] (4) Has engaged in job search activities as requested by the
16 Department;

17 [(4)] (5) Participates in work activity under this subtitle, unless exempt
18 under criteria established by the Secretary which shall include the following groups of
19 individuals:

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

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

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

26 [(5)] (6) Meets all other FIP program requirements that the Secretary
27 establishes by regulation.

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

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

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

32 (D) IN ADDITION TO THE PROVISIONS OF THIS SECTION, SUBJECT TO THE
33 LIMITATIONS OF THE STATE BUDGET, ASSISTANCE SHALL BE PROVIDED UNDER
34 THIS SUBTITLE TO LEGAL IMMIGRANTS;

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

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

7

1 (3) WHO:

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

3 ~~(2)~~ (II) PREVIOUSLY LIVED IN A STATE THAT PROVIDED FEDERALLY
4 OR NONFEDERALLY FUNDED CASH ASSISTANCE TO SUCH LEGAL IMMIGRANTS.

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

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

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

12 (3) WHO:

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

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

16 50.

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

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

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

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

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

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

8

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

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

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

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

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

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

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

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

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

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

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

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

39 (i) Counseling;

40 (ii) Housing;

9

- 1 (iii) Child care;
- 2 (iv) Household supplies and equipment;
- 3 (v) Direct assistance other than a cash payment; and
- 4 (vi) Any other noncash assistance that may be necessary to assist the
- 5 recipient to make the transition from welfare.

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

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

13 ~~[(6)]~~ (7) No portion of the funds provided through transitional assistance
14 may be used for the furtherance of sectarian religious instruction.

15 50A.

16 (A) (1) AT INITIAL APPLICATION FOR TEMPORARY CASH ASSISTANCE, A
17 LOCAL DEPARTMENT SHALL ASSESS THE NEED OF ~~AN APPLICANT~~ ANY ADULT OR
18 MINOR PARENT RECIPIENT FOR SUBSTANCE ABUSE TREATMENT.

19 (2) TO ASSIST IN DETERMINING WHETHER AN ~~APPLICANT~~ ADULT OR
20 MINOR PARENT RECIPIENT HAS A NEED FOR SUBSTANCE ABUSE TREATMENT, THE
21 LOCAL DEPARTMENT SHALL USE AN ENHANCED ASSESSMENT OF THE ~~APPLICANT~~
22 ADULT OR MINOR PARENT RECIPIENT THAT WOULD EXPOSE ANY POTENTIAL
23 BARRIERS THAT THE ~~APPLICANT~~ ADULT OR MINOR PARENT RECIPIENT MAY HAVE
24 IN OBTAINING EMPLOYMENT SUCH AS HAVING A SUBSTANCE ABUSE PROBLEM.

25 (3) THE LOCAL DEPARTMENT SHALL INFORM EACH ~~APPLICANT~~ ADULT
26 OR MINOR PARENT RECIPIENT OF THE REQUIREMENTS OF FIP REGARDING
27 SUBSTANCE ABUSE TREATMENT, INCLUDING AN ADULT OR MINOR PARENT
28 RECIPIENT'S OBLIGATION TO PARTICIPATE IN AN INITIAL HEALTH SCREEN WITH
29 THE ADULT OR MINOR PARENT RECIPIENT'S MANAGED CARE ORGANIZATION
30 WITHIN THE TIME SPECIFIED BY REGULATION FOLLOWING THE ADULT OR MINOR
31 PARENT RECIPIENT'S ENROLLMENT IN THE MANAGED CARE ORGANIZATION OR
32 LOSE FIP BENEFITS.

33 (4) AFTER THE ~~APPLICANT~~ ADULT OR MINOR PARENT RECIPIENT IS
34 CERTIFIED ELIGIBLE FOR TEMPORARY CASH ASSISTANCE UNDER THIS SUBTITLE
35 AND FOR MEDICAL ASSISTANCE UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH -
36 GENERAL ARTICLE, THE ~~APPLICANT~~ ADULT OR MINOR PARENT RECIPIENT SHALL
37 BE SCREENED FOR SUBSTANCE ABUSE AS PART OF THE INITIAL HEALTH SCREEN
38 REQUIRED TO BE PERFORMED BY A MANAGED CARE ORGANIZATION IN
39 ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH
40 AND MENTAL HYGIENE UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL
41 ARTICLE.

10

1 (5) THE MANAGED CARE ORGANIZATION SHALL NOTIFY THE LOCAL
2 DEPARTMENT IF THE ADULT OR MINOR PARENT RECIPIENT HAS NOT COMPLETED
3 THE INITIAL HEALTH SCREEN REQUIRED BY THE ADULT OR MINOR PARENT
4 RECIPIENT'S MANAGED CARE ORGANIZATION.

5 (B) (1) IF THE INITIAL HEALTH SCREEN OR ANY FOLLOW-UP DIAGNOSTIC
6 TESTING OR TREATMENT PERFORMED BY A MANAGED CARE ORGANIZATION
7 REVEALS THAT A AN ADULT OR MINOR PARENT RECIPIENT HAS A SUBSTANCE
8 ABUSE PROBLEM, THE MANAGED CARE ORGANIZATION SHALL REFER THE ADULT
9 OR MINOR PARENT RECIPIENT FOR APPROPRIATE SUBSTANCE ABUSE TREATMENT,
10 AS REQUIRED BY REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH AND
11 MENTAL HYGIENE UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL
12 ARTICLE.

13 (2) (I) THE MANAGED CARE ORGANIZATION SHALL NOTIFY THE
14 LOCAL DEPARTMENT THAT A AN ADULT OR MINOR PARENT RECIPIENT HAS BEEN
15 REFERRED FOR APPROPRIATE SUBSTANCE ABUSE TREATMENT.

16 (II) AS PART OF ITS NOTIFICATION UNDER SUBPARAGRAPH (I) OF
17 THIS PARAGRAPH, THE MANAGED CARE ORGANIZATION SHALL NOTIFY THE LOCAL
18 DEPARTMENT IF THE ADULT OR MINOR PARENT RECIPIENT:

- 19 1. IS COMPLYING WITH THE TREATMENT PROTOCOL;
20 2. IS NOT COMPLYING WITH THE TREATMENT PROTOCOL;
21 3. IS AWAITING THE AVAILABILITY OF APPROPRIATE
22 TREATMENT; OR
23 4. HAS SUCCESSFULLY COMPLETED THE TREATMENT.

24 (3) A MANAGED CARE ORGANIZATION SHALL NOTIFY THE LOCAL
25 DEPARTMENT WHENEVER THERE IS ANY CHANGE IN THE ADULT OR MINOR
26 PARENT RECIPIENT'S STATUS IN REGARD TO SUBSTANCE ABUSE TREATMENT.

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

29 (1) SHALL RECEIVE THE FULL TEMPORARY CASH ASSISTANCE BENEFIT
30 AS LONG AS THE ADULT OR MINOR PARENT RECIPIENT CONTINUES TO MEET OTHER
31 TEMPORARY CASH ASSISTANCE ELIGIBILITY REQUIREMENTS; AND

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

34 (D) ~~A~~ AN ADULT OR MINOR PARENT RECIPIENT SHALL BE CONSIDERED NOT
35 IN COMPLIANCE WITH FIP REQUIREMENTS, IF THE LOCAL DEPARTMENT RECEIVES
36 NOTICE FROM THE ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS~~
37 ~~DESIGNEE~~ MANAGED CARE ORGANIZATION THAT THE ADULT OR MINOR PARENT
38 RECIPIENT:

39 (1) HAS NOT COMPLETED THE INITIAL HEALTH SCREEN REQUIRED BY
40 THE ADULT OR MINOR PARENT RECIPIENT'S MANAGED CARE ORGANIZATION IN

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1 ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT OF HEALTH
2 AND MENTAL HYGIENE UNDER TITLE 15, SUBTITLE 1 OF THE HEALTH - GENERAL
3 ARTICLE; OR

4 (2) WAS REFERRED FOR APPROPRIATE SUBSTANCE ABUSE TREATMENT
5 BY THE MANAGED CARE ORGANIZATION, BUT THE ADULT OR MINOR PARENT
6 RECIPIENT FAILED TO SATISFACTORILY COMPLY OR COMPLETE THE TREATMENT
7 PROTOCOL.

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

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

16 (2) 30 DAYS AFTER THE DATE OF THE NOTICE, THE ADULT OR MINOR
17 PARENT RECIPIENT'S TEMPORARY CASH ASSISTANCE BENEFITS WILL BE REDUCED
18 BY THAT INCREMENT IN CASH BENEFITS THAT INCLUDED THE ADULT OR MINOR
19 PARENT RECIPIENT.

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

25 (2) THE LOCAL DEPARTMENT SHALL CONTINUE TO MAKE THESE
26 REDUCED PAYMENTS TO THE ADULT OR MINOR PARENT RECIPIENT UNTIL THE
27 LOCAL DEPARTMENT RECEIVES NOTICE FROM THE MANAGED CARE
28 ORGANIZATION THAT THE ADULT OR MINOR PARENT RECIPIENT HAS COMPLETED
29 THE INITIAL HEALTH SCREEN REQUIRED BY THE ADULT OR MINOR PARENT
30 RECIPIENT'S MANAGED CARE ORGANIZATION.

31 ~~(E)~~ (G) AFTER RECEIVING THE NOTICE UNDER SUBSECTION (D)(2) OF THIS
32 SECTION, THE LOCAL DEPARTMENT SHALL SEND A NOTICE TO THE ADULT OR
33 MINOR PARENT RECIPIENT INFORMING THE ADULT OR MINOR PARENT RECIPIENT
34 THAT:

35 (1) THE ADULT OR MINOR PARENT RECIPIENT IS NOT IN COMPLIANCE
36 WITH FIP REQUIREMENTS, INCLUDING THE SPECIFIC REASONS WHY THE ADULT OR
37 MINOR PARENT RECIPIENT IS CONSIDERED NOT IN COMPLIANCE WITH FIP
38 REQUIREMENTS; AND

39 (2) 30 DAYS AFTER THE DATE OF THE NOTICE:

40 (I) THE ADULT OR MINOR PARENT RECIPIENT'S TEMPORARY
41 CASH ASSISTANCE BENEFITS WILL BE REDUCED BY THAT INCREMENT IN CASH
42 BENEFITS THAT INCLUDED THE ADULT RECIPIENT; AND

12

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

3 ~~(F)~~ (H) (1) THE LOCAL DEPARTMENT SHALL REDUCE A AN ADULT OR
4 MINOR PARENT RECIPIENT'S TEMPORARY CASH ASSISTANCE BENEFITS AND PAY
5 THE REMAINDER OF THE CASH BENEFITS TO A THIRD PARTY PAYEE AS DESCRIBED
6 IN SUBSECTION ~~(E)~~ (G) OF THIS SECTION, IF THE ADULT OR MINOR PARENT
7 RECIPIENT:

8 (I) RECEIVES THE INITIAL HEALTH SCREEN AND THE INITIAL
9 HEALTH SCREEN OR THE RESULTS OF ANY FOLLOW-UP DIAGNOSTIC TESTING OR
10 TREATMENT REVEAL THAT THE ADULT OR MINOR PARENT RECIPIENT IS A
11 SUBSTANCE ABUSER; AND

12 (II) REFUSES TO PARTICIPATE IN AVAILABLE AND APPROPRIATE
13 SUBSTANCE ABUSE TREATMENT.

14 (2) THE LOCAL DEPARTMENT SHALL CONTINUE TO MAKE PAYMENTS
15 TO A THIRD PARTY PAYEE UNTIL THE LOCAL DEPARTMENT RECEIVES NOTICE
16 FROM THE ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS DESIGNEE~~
17 MANAGED CARE ORGANIZATION THAT THE ADULT OR MINOR PARENT RECIPIENT
18 IS COMPLYING WITH THE APPROPRIATE SUBSTANCE ABUSE TREATMENT INDICATED
19 BY THE MANAGED CARE ORGANIZATION.

20 ~~(G)~~ (I) THE LOCAL DEPARTMENT MAY NOT REDUCE A AN ADULT OR
21 MINOR PARENT RECIPIENT'S TEMPORARY CASH BENEFIT AS DESCRIBED UNDER
22 SUBSECTION ~~(E)~~ (G) OF THIS SECTION, IF THE ADULT OR MINOR PARENT RECIPIENT:

23 (1) RECEIVES THE INITIAL HEALTH SCREEN AND THE INITIAL HEALTH
24 SCREEN OR THE RESULTS OF ANY FOLLOW-UP DIAGNOSTIC TESTING OR
25 TREATMENT REVEAL THAT THE ADULT OR MINOR PARENT RECIPIENT IS A
26 SUBSTANCE ABUSER; AND

27 (2) AGREES TO PARTICIPATE IN APPROPRIATE SUBSTANCE ABUSE
28 TREATMENT, BUT THE APPROPRIATE SUBSTANCE ABUSE TREATMENT INDICATED IS
29 NOT AVAILABLE.

30 ~~(H) IF A RECIPIENT'S TEMPORARY CASH ASSISTANCE IS REDUCED UNDER~~
31 ~~SUBSECTION (E) OF THIS SECTION BECAUSE THE RECIPIENT FAILED TO RECEIVE~~
32 ~~THE INITIAL HEALTH SCREEN, THE LOCAL DEPARTMENT SHALL CONTINUE TO~~
33 ~~MAKE PAYMENT OF THE RECIPIENT'S REDUCED TEMPORARY CASH ASSISTANCE~~
34 ~~BENEFIT UNTIL THE LOCAL DEPARTMENT RECEIVES NOTICE FROM THE~~
35 ~~DEPARTMENT OF HEALTH AND MENTAL HYGIENE OR ITS DESIGNEE THAT THE~~
36 ~~RECIPIENT HAS RECEIVED THE INITIAL HEALTH SCREEN.~~

37 ~~(I)~~ (J) IF TEMPORARY CASH ASSISTANCE IS REDUCED UNDER THIS
38 SECTION, THE ADULT OR MINOR PARENT RECIPIENT SHALL RETAIN ELIGIBILITY
39 FOR MEDICAL ASSISTANCE AND FOOD STAMPS, AS LONG AS THE ADULT OR MINOR
40 PARENT RECIPIENT MEETS THE MEDICAL ASSISTANCE AND FOOD STAMP PROGRAM
41 REQUIREMENTS.

13

1 53.

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

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

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

11 88.

12 (a) The Department of Human Resources may implement, in accordance with the
 13 provisions of the federal Food Stamp Act, a food stamp program in which the City of
 14 Baltimore and all counties of the State shall participate and for which the State shall bear
 15 the nonfederal portion of the administrative costs for the respective jurisdictions. The
 16 food stamp program shall be administered by the City of Baltimore and all counties of the
 17 State under the supervision and control of the Department of Human Resources and in
 18 conformity with the rules and regulations of the Department of Human Resources and
 19 applicable federal statutes, rules and regulations.

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

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

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

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

34 (2) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE
 35 DEPARTMENT OF HUMAN RESOURCES SHALL PROVIDE OR HAVE PROVIDED FOOD
 36 STAMP BENEFITS, AS DESCRIBED IN SUBSECTIONS (A) AND (B) OF THIS SECTION, TO
 37 LEGAL IMMIGRANT CHILDREN UNDER THE AGE OF 18 YEARS WHO ARE NOT
 38 ELIGIBLE FOR FEDERALLY FUNDED FOOD STAMP BENEFITS BY REASON OF THEIR
 39 IMMIGRATION STATUS, BUT WHO MEET ALL OTHER FOOD STAMP PROGRAM
 40 ELIGIBILITY REQUIREMENTS AND ANY OTHER REQUIREMENTS IMPOSED BY THE
 41 STATE.

14

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

3 **Article - Courts and Judicial Proceedings**

4 ~~5-312.~~

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

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

9 ~~(ii) "Agent of an association or organization" does not include an~~
10 ~~independent contractor who provides services or performs duties on behalf of the~~
11 ~~association or organization on a contractual basis.~~

12 ~~(10) (i) "Volunteer" means an officer, director, trustee, or other person~~
13 ~~who provides services or performs duties on behalf of an association or organization~~
14 ~~without receiving compensation.~~

15 ~~(ii) "VOLUNTEER" INCLUDES AN INDIVIDUAL WHO IS ENGAGED IN~~
16 ~~A COMMUNITY SERVICE WORK ACTIVITY UNDER THE FAMILY INVESTMENT~~
17 ~~PROGRAM ESTABLISHED UNDER ARTICLE 88A OF THE CODE.~~

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

20 ~~(1) The association or organization maintains insurance covering liability~~
21 ~~incurred by the association or organization or its agents, or both, as a result of the acts or~~
22 ~~omissions of its agents in providing services or performing duties on behalf of the~~
23 ~~association or organization;~~

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

27 ~~(3) The insurance has:~~

28 ~~(i) A limit of coverage of not less than:~~

29 ~~1. \$200,000 per individual claim, and \$500,000 per total claims~~
30 ~~that arise from the same occurrence; or~~

31 ~~2. \$750,000 per policy year, and \$500,000 per total claims that~~
32 ~~arise from the same occurrence; and~~

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

35 ~~2. If there is coinsurance, a rate of coinsurance not greater than~~
36 ~~20 percent.~~

15

1 ~~5-313.~~

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

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

5 ~~1. Organized for pleasure, recreation, or other nonprofit~~
6 ~~purposes;~~

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

9 ~~3. That does not have any part of the net earnings benefiting~~
10 ~~any private shareholder.~~

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

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

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

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

23 ~~5-314.~~

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

25 ~~(2) "Association or organization" means:~~

26 ~~(i) A business league;~~

27 ~~(ii) A charitable organization;~~

28 ~~(iii) A civic league;~~

29 ~~(iv) A club;~~

30 ~~(v) A labor, agricultural, or horticultural organization; or~~

31 ~~(vi) A local association of employees.~~

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

16

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

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

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

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

11 (9) "~~Local association of employees~~" means an association of employees, the
12 membership of which is limited to the employees of a designated person or persons in a
13 particular municipality, that is exempt from taxation under § 501(c)(4) of the Internal
14 Revenue Code.

15 (11) (i) "~~Volunteer~~" means an officer, director, trustee, or other person
16 who provides services or performs duties for an association or organization without
17 receiving compensation.

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

21 {(ii)} (III) In a health care malpractice action, "~~volunteer~~" does not
22 include a provider of health care services or an employee who performs duties on behalf
23 of a charitable organization.

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

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

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

34 5-399.6.

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

36 (2) "Agent" means an officer, director, trustee, employee, or volunteer of a
37 provider, but does not mean an offender OR PARTICIPANT.

38 (3) "Offender" means a person assigned or ordered to perform community
39 service.

17

1 (i) By a court according to the provisions of Article 27, § 726A of the
2 Code or § 3-820 of this article; or

3 (ii) By an intake officer under § 3-810 of this article.

4 (4) "PARTICIPANT" MEANS AN INDIVIDUAL WHO IS ENGAGED IN A
5 COMMUNITY SERVICE WORK ACTIVITY UNDER THE FAMILY INVESTMENT
6 PROGRAM ESTABLISHED UNDER ARTICLE 88A OF THE CODE.

7 [(4)] (5) "Private provider" means an organization that:

8 (i) Is exempt from taxation under § 501(c) of the Internal Revenue
9 Code; and

10 (ii) 1. Is approved by a community service program administrator
11 for participation in a community service program as described in Article 27, § 726A of the
12 Code; [or]

13 2. Provides work projects for juveniles assigned or ordered to
14 perform community service under § 3-810 or § 3-820 of this article; OR

15 3. IS APPROVED BY THE DEPARTMENT OF HUMAN
16 RESOURCES AS A COMMUNITY SERVICE WORK ACTIVITY PROVIDER UNDER
17 ARTICLE 88A OF THE CODE.

18 [(5)] (6) "Public provider" means a unit of State or local government that is
19 subject to Title 12, Subtitle 1 of the State Government Article (Maryland Tort Claims
20 Act) or Title 5, Subtitle 4 of this article (Local Government Tort Claims Act) and that:

21 (I) [refers] REFERS an offender to or provides a work project to
22 which an offender is ordered or assigned to work; OR

23 (II) REFERS A PARTICIPANT TO OR PROVIDES A WORK PROJECT TO
24 WHICH A PARTICIPANT IS ASSIGNED TO WORK.

25 (b) (1) A private provider shall be liable up to the limits of the liability
26 insurance coverage required under paragraph (3) of this subsection or any applicable
27 insurance coverage, whichever is greater, for the negligent acts or omissions of:

28 (i) The private provider or its agents in providing projects or services
29 to, or performing duties for or on behalf of, a community service program; and

30 (ii) An offender OR PARTICIPANT in the course of participating in a
31 work project the private provider has provided for a community service program.

32 (2) A private provider shall not be liable for the conduct of an offender OR
33 PARTICIPANT unless the offender's OR PARTICIPANT'S conduct was:

34 (i) In the course of the offender's OR PARTICIPANT'S participation in
35 a project which the private provider has provided for a community service program; and

36 (ii) Within the scope of the duties which the offender OR
37 PARTICIPANT was assigned or ordered to perform.

18

1 (3) A private provider shall maintain liability insurance in at least the
2 amounts specified in § 5-312(b)(3) of this subtitle.

3 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
4 PARTICIPANT IS NOT PERSONALLY LIABLE FOR DAMAGES IN ANY CIVIL ACTION
5 BROUGHT AGAINST THE PARTICIPANT BY VIRTUE OF THE PARTICIPANT'S ACT OR
6 OMISSION IN COMMUNITY SERVICE WORK IF THE PRIVATE PROVIDER MAINTAINS
7 THE LIABILITY INSURANCE REQUIRED UNDER SUBSECTION (B)(3) OF THIS SECTION.

8 (2) A PARTICIPANT IS LIABLE FOR DAMAGES IN A CIVIL ACTION
9 BROUGHT AGAINST THE PARTICIPANT IN WHICH IT IS FOUND THAT THE DAMAGES
10 WERE THE RESULT OF THE PARTICIPANT'S WILLFUL, WANTON, OR GROSSLY
11 NEGLIGENT ACT OR OMISSION.

12 [(c)] (D) A public provider and its agents shall be liable for the negligent acts or
13 omissions of the public provider and its agents in providing projects or services to, or
14 performing duties for or on behalf of, a community service program to the extent
15 permitted by the provisions of the Maryland Tort Claims Act or the Local Government
16 Tort Claims Act.

17 [(d)] (E) This section does not affect and may not be construed as affecting:

18 (1) The liability of an offender;

19 (2) Any immunities from civil liability or any defense established by any
20 other provision of the Code or at common law;

21 (3) Any limitation on damages established by law to which a provider or its
22 agents otherwise may be entitled; or

23 (4) The liability of a provider or its agents for an act or omission of the
24 provider or its agents that constitutes gross negligence, reckless or wanton misconduct, or
25 intentionally tortious conduct.

26 [(e)] (F) This section does not create, and may not be construed as creating, a
27 new cause of action or substantive legal right against a provider or its agents.

28 **Article - Health - General**

29 15-103.

30 (a) (1) The Secretary shall administer the Maryland Medical Assistance
31 Program.

32 (2) The Program:

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

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

19

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

5 (iv) Shall provide, subject to the limitations of the State budget,
 6 comprehensive medical and other health care services for all children from the age of 1
 7 year up through and including the age of 5 years whose family income falls below 133
 8 percent of the poverty level, as permitted by the federal law;

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

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

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

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

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

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

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

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

38 (II) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND AS
 39 PERMITTED BY FEDERAL LAW OR WAIVER, THE DEPARTMENT SHALL REQUIRE
 40 EACH MANAGED CARE ORGANIZATION PARTICIPATING IN THE PROGRAM
 41 DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO INCLUDE IN ITS
 42 BENEFIT PACKAGE MEDICALLY NECESSARY AND APPROPRIATE INPATIENT,

20

1 INTERMEDIATE CARE, AND HALFWAY HOUSE SUBSTANCE ABUSE TREATMENT
2 SERVICES FOR SUBSTANCE ABUSING ENROLLEES 21 YEARS OF AGE OR OLDER WHO
3 ARE RECIPIENTS OF TEMPORARY CASH ASSISTANCE UNDER THE FAMILY
4 INVESTMENT PROGRAM.

5 [(ii)] (III) Nothing in this paragraph may be construed to prohibit a
6 managed care organization from offering additional benefits, if the managed care
7 organization is not receiving capitation payments based on the provision of the additional
8 benefits.

9 **Article - State Government**

10 12-101.

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

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

15 (2) an employee or official of the:

16 (i) Maryland Transportation Authority;

17 (ii) Injured Workers' Insurance Fund;

18 (iii) Maryland Stadium Authority;

19 (iv) Maryland Environmental Service;

20 (v) overseas programs of the University College of the University of
21 Maryland System; and

22 (vi) Maryland Economic Development Corporation;

23 (3) a person who:

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

25 or

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

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

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

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

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

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

21

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

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

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

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

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

14 (8) TO THE EXTENT OF A NONPROFIT ORGANIZATION'S ACTIVITIES AS
15 A THIRD PARTY PAYEE, AND TO THE EXTENT THE NONPROFIT ORGANIZATION HAS
16 NO OTHER INSURANCE FOR THIS PURPOSE, A NONPROFIT ORGANIZATION THAT
17 HAS BEEN APPROVED BY THE DEPARTMENT OF HUMAN RESOURCES OR ITS
18 DESIGNEE TO SERVE AS A THIRD PARTY PAYEE FOR PURPOSES OF PROVIDING
19 TEMPORARY CASH ASSISTANCE, TRANSITIONAL ASSISTANCE, OR CHILD-SPECIFIC
20 BENEFITS TO FAMILY INVESTMENT PROGRAM RECIPIENTS; OR

21 (9) A STUDENT, FACULTY, OR STAFF MEMBER OF AN INSTITUTION OF
22 HIGHER EDUCATION WHO IS PROVIDING A SERVICE UNDER THE FAMILY
23 INVESTMENT PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 88A, §
24 47 OR § 53 OF THE CODE.

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

27 **Chapter 351 of the Acts of 1996**

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

34 (1) 10% of the savings to the demonstration projects created in § 53 of
35 Article 88A of the Code as enacted by this Act;

36 (2) 45% of the savings that were generated for the 2-year period following
37 the effective date of this Act shall be allocated in accordance with the savings achieved by
38 each local department of social services AND, NOTWITHSTANDING § 7-302 OF THE
39 STATE FINANCE AND PROCUREMENT ARTICLE, ANY OF THE SAVINGS THAT
40 REMAINS UNEXPENDED AFTER THE CURRENT FISCAL YEAR MAY BE CARRIED OVER
41 INTO THE NEXT FISCAL YEAR; and

22

1 (3) 45% of the savings to child care, work activities, welfare avoidance, drug
2 treatment for targeted recipients, emergency funds for applicants and recipients,
3 administration to the extent that additional administrative costs are required to
4 effectively implement this program, or any other direct service to applicants or recipients
5 that the Secretary deems appropriate to further the purposes of this Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 SECTION 4. 7. AND BE IT FURTHER ENACTED, That, except as provided in
 31 Section 2 of this Act, at the end of Fiscal Years 1997 and 1998, any excess funds that
 32 remain from the Fiscal Years 1997 and 1998 appropriations to the Family Investment
 33 Program shall be transferred to the ~~Citizens Tax Reduction and Fiscal Reserve Account~~
 34 a dedicated purpose account. Funds from the ~~Citizens Tax Reduction and Fiscal Reserve~~
 35 ~~Account~~ this dedicated purpose account may only be appropriated through the annual
 36 budget bill or by budget amendment after approval by the Legislative Policy Committee
 37 after the Legislative Policy Committee has referred the appropriation request to the Joint
 38 Committee on Welfare Reform and the budget committees for their recommendations.

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

1 SECTION 9. AND BE IT FURTHER ENACTED, That the provisions of Article
2 88A, § 50A(a)(5) and (d)(1) of the Code, as enacted by Section 1 of this Act, shall take
3 effect July 1, 1998.

4 SECTION 10. AND BE IT FURTHER ENACTED, That, notwithstanding the
5 provisions of Section 9 of this Act, the provisions of Article 88A, § 50A(a)(5) of the Code,
6 as enacted under Section 1 of this Act, shall take effect July 1, 1997 in one county in the
7 State selected by the Department of Human Resources for the purpose of testing the
8 ability of the Clients' Automated Resource and Eligibility System to successfully capture
9 and report information regarding an adult or minor parent Family Investment Program
10 recipient's completion of an initial health screen in accordance with the provisions of
11 Article 88A, § 50A of the Code, as enacted under Section 1 of this Act.

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

14 SECTION 5- 12. AND BE IT FURTHER ENACTED, That, subject to the
15 provisions of Sections 9 and 11 of this Act, this Act shall take effect July 1, 1997. Section
16 4 of this Act shall remain effective for a period of 2 years and, at the end of June 30, 1999,
17 with no further action required by the General Assembly, Section 4 of this Act shall be
18 abrogated and of no further force and effect.