
By: **Delegate Harkins**

Introduced and read first time: February 13, 1998

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Family Investment and Food Stamp Programs - Automated Finger**
3 **Imaging - Fraud Prevention**

4 FOR the purpose of requiring the Department of Human Resources to develop and
5 implement an automated finger imaging system for the Family Investment
6 Program and the food stamp program for a certain purpose.

7 BY repealing and reenacting, with amendments,
8 Article 88A - Department of Human Resources
9 Section 46, 48(b), and 88
10 Annotated Code of Maryland
11 (1995 Replacement Volume and 1997 Supplement)

12 BY repealing and reenacting, without amendments,
13 Article 88A - Department of Human Resources
14 Section 48(a)
15 Annotated Code of Maryland
16 (1995 Replacement Volume and 1997 Supplement)

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

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

20 46.

21 The Secretary shall:

22 (1) Establish and implement a FIP that meets the requirements of this
23 subtitle and of federal law;

24 (2) Supervise the administration of the FIP under this subtitle by local
25 departments;

1 (3) Cooperate with the federal government in matters of mutual concern
2 pertaining to federal funding for the FIP; [and]

3 (4) DEVELOP AND IMPLEMENT A STATEWIDE PROGRAM THAT USES AN
4 AUTOMATED FINGER IMAGING SYSTEM TO:

5 (I) IDENTIFY APPLICANTS FOR AND RECIPIENTS IN THE FIP; AND

6 (II) PREVENT MULTIPLE ENROLLMENT OR OTHER FRAUD BY
7 APPLICANTS FOR OR RECIPIENTS IN THE FIP; AND

8 [(4)] (5) Adopt regulations necessary or desirable to carry out the
9 provisions of this subtitle.

10 48.

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

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

15 (2) A pregnant individual.

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

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

19 (2) At the time of application for assistance, signs a medical release that,
20 for any applicant determined eligible to be a recipient of continuing temporary cash
21 assistance, would allow the Department or its designee to receive from the managed
22 care organization in which the recipient is enrolled in accordance with the managed
23 care program established under Title 15, Subtitle 1 of the Health - General Article:

24 (i) Notification that a recipient has not completed the initial health
25 screen required by the recipient's managed care organization;

26 (ii) The results of any substance abuse screening assessment or
27 other test performed on the recipient by the managed care organization for the
28 purpose of determining the recipient's need for substance abuse treatment; and

29 (iii) The results of any recipient's referral to substance abuse
30 treatment or change in treatment status as required by § 50A(b)(2) and (3) of this
31 subtitle;

32 (3) (i) Has applied for child support services with the appropriate local
33 child support enforcement office at the time of application for the assistance; and

34 (ii) Complies with the requirements of the local child support
35 enforcement office;

1 (4) Has engaged in job search activities as requested by the Department;

2 (5) Participates in work activity under this subtitle, unless exempt
3 under criteria established by the Secretary which shall include the following groups of
4 individuals:

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

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

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

11 (6) HAS ALLOWED THE DEPARTMENT TO TAKE AN AUTOMATED FINGER
12 IMAGE; AND

13 [(6)] (7) Meets all other FIP requirements that the Secretary establishes
14 by regulation.

15 88.

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

25 (b) If requested by the Department of Human Resources, the City of Baltimore
26 and all counties of the State shall enter into a written agreement with the
27 Department of Human Resources providing for the implementation and
28 administration of the food stamp program in the City of Baltimore and all counties of
29 the State.

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

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

1 (d) (1) Except as provided in paragraph (2) of this subsection, if any
2 provision of this subtitle conflicts with any applicable federal statute, rule or
3 regulation, the federal statute, rule or regulation shall prevail.

4 (2) Subject to the limitations of the State budget, the Department of
5 Human Resources shall provide or have provided food stamp benefits, as described in
6 subsections (a) and (b) of this section, to legal immigrant children under the age of 18
7 years who are not eligible for federally funded food stamp benefits by reason of their
8 immigration status, but who meet all other food stamp program eligibility
9 requirements and any other requirements imposed by the State.

10 (3) The Department of Human Resources shall certify all active cases
11 with legal immigrants through August 31, 1997.

12 (E) THE SECRETARY SHALL DEVELOP AND IMPLEMENT A STATEWIDE
13 PROGRAM THAT USES AN AUTOMATED FINGER IMAGING SYSTEM TO:

14 (1) IDENTIFY ALL APPLICANTS FOR AND ALL RECIPIENTS IN THE FOOD
15 STAMP PROGRAM; AND

16 (2) PREVENT MULTIPLE ENROLLMENT OR OTHER FRAUD BY
17 APPLICANTS FOR OR RECIPIENTS IN THE FOOD STAMP PROGRAM.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 1998.