

SENATE BILL 96

Unofficial Copy
D4

1999 Regular Session
(9lr0287)

ENROLLED BILL
-- Judicial Proceedings/Judiciary --

Introduced by **Senators Kelley, McCabe, Currie, Sfikas, Hughes, Hoffman,
Colburn, Van Hollen, Stone, Jimeno, Hollinger, Mitchell, McFadden,
and Forehand**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Interstate Compact on Adoption and Medical Assistance**

3 FOR the purpose of authorizing the Social Services Administration of the Department
4 of Human Resources to develop, participate in the development of, negotiate,
5 and enter into certain interstate compacts with agencies of other states to
6 provide certain adoption and medical assistance services for certain children;
7 requiring the inclusion of certain provisions in certain interstate compacts;
8 authorizing the inclusion of certain provisions in certain interstate compacts;
9 establishing certain procedures for the interstate delivery of certain adoption
10 and medical assistance services; establishing penalties for providing certain
11 false, misleading, or fraudulent statements in connection with this Act;
12 authorizing the Administration ~~and the Department of Health and Mental~~
13 ~~Hygiene~~ to adopt certain regulations; defining certain terms; and generally
14 relating to the interstate delivery of certain adoption and medical assistance
15 services.

1 BY renumbering
2 Article - Family Law
3 Section 5-4A-01 through 5-4A-07 and the subtitle "Subtitle 4A. Mutual
4 Consent Voluntary Adoption Registry", respectively
5 to be Section 5-4C-01 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual
6 Consent Voluntary Adoption Registry", respectively
7 Annotated Code of Maryland
8 (1991 Replacement Volume and 1998 Supplement)

9 BY adding to
10 Article - Family Law
11 Section 5-4A-01 through 5-4A-08, inclusive, to be under the new subtitle
12 "Subtitle 4A. Interstate Compact on Adoption and Medical Assistance"
13 Annotated Code of Maryland
14 (1991 Replacement Volume and 1998 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That Section(s) 5-4A-01 through 5-4A-07 and the subtitle "Subtitle
17 4A. Mutual Consent Voluntary Adoption Registry", respectively, of Article - Family
18 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-4C-01
19 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual Consent Voluntary Adoption
20 Registry", respectively.

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

23 **Article - Family Law**

24 **SUBTITLE 4A. INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE.**

25 5-4A-01.

26 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
27 INDICATED.

28 (B) "ADMINISTRATION" MEANS THE SOCIAL SERVICES ADMINISTRATION OF
29 THE DEPARTMENT.

30 (C) "ADOPTION ASSISTANCE STATE" MEANS THE STATE THAT IS SIGNATORY
31 TO AN ADOPTION ASSISTANCE AGREEMENT IN A PARTICULAR CASE.

32 (D) "RESIDENCE STATE" MEANS THE STATE WHERE THE CHILD LIVES.

33 5-4A-02.

34 (A) THE GENERAL ASSEMBLY FINDS THAT:

1 (1) LOCATING ADOPTIVE FAMILIES FOR CHILDREN WHO ARE ELIGIBLE
2 TO RECEIVE STATE ASSISTANCE AND ASSURING THE PROTECTION OF THE
3 INTERESTS OF THE CHILDREN AFFECTED DURING THE ENTIRE ASSISTANCE PERIOD
4 REQUIRES SPECIAL MEASURES WHEN THE ADOPTIVE PARENTS MOVE TO OTHER
5 STATES OR ARE RESIDENTS OF ANOTHER STATE; AND

6 (2) PROVIDING MEDICAL AND OTHER NECESSARY SERVICES FOR
7 CHILDREN, WITH STATE ASSISTANCE, IS MORE DIFFICULT WHEN THE SERVICES ARE
8 PROVIDED IN OTHER STATES.

9 (B) THE PURPOSES OF THIS SUBTITLE ARE TO:

10 (1) AUTHORIZE THE ADMINISTRATION TO ENTER INTO INTERSTATE
11 AGREEMENTS WITH AGENCIES OF OTHER STATES FOR THE PROTECTION OF
12 CHILDREN ON WHOSE BEHALF ADOPTION ASSISTANCE IS BEING PROVIDED; AND

13 (2) PROVIDE PROCEDURES FOR INTERSTATE ADOPTION ASSISTANCE
14 PAYMENTS, INCLUDING MEDICAL PAYMENTS.

15 5-4A-03.

16 (A) THE ADMINISTRATION MAY DEVELOP, PARTICIPATE IN THE
17 DEVELOPMENT OF, NEGOTIATE, AND ENTER INTO ONE OR MORE INTERSTATE
18 COMPACTS ON BEHALF OF THIS STATE WITH OTHER STATES TO IMPLEMENT ONE OR
19 MORE OF THE PURPOSES OF THIS SUBTITLE.

20 (B) WHEN ENTERED INTO, AND FOR SO LONG AS IT SHALL REMAIN IN FORCE,
21 THE COMPACT SHALL HAVE THE FORCE AND EFFECT OF LAW.

22 5-4A-04.

23 (A) A COMPACT ENTERED INTO PURSUANT TO § 5-4A-03 OF THIS SUBTITLE
24 SHALL INCLUDE:

25 (1) A PROVISION MAKING THE COMPACT AVAILABLE FOR JOINDER BY
26 ALL STATES;

27 (2) A PROVISION FOR WITHDRAWAL FROM THE COMPACT UPON
28 WRITTEN NOTICE TO THE PARTIES, BUT WITH A PERIOD OF 1 YEAR BETWEEN THE
29 DATE OF THE NOTICE AND THE EFFECTIVE DATE OF THE WITHDRAWAL;

30 (3) A REQUIREMENT THAT THE PROTECTION AFFORDED BY OR
31 PURSUANT TO THE COMPACT CONTINUE IN FORCE FOR THE DURATION OF THE
32 ADOPTION ASSISTANCE AND BE APPLICABLE TO ALL CHILDREN AND THEIR
33 ADOPTIVE PARENTS WHO ON THE EFFECTIVE DATE OF THE WITHDRAWAL ARE
34 RECEIVING ADOPTION ASSISTANCE FROM A PARTY STATE OTHER THAN THE ONE IN
35 WHICH THEY ARE RESIDENTS AND HAVE THEIR PRINCIPAL PLACE OF ABODE; AND

36 (4) A REQUIREMENT THAT EACH INSTANCE OF ADOPTION ASSISTANCE
37 TO WHICH THE COMPACT APPLIES BE COVERED BY AN ADOPTION ASSISTANCE

1 AGREEMENT IN WRITING BETWEEN THE ADOPTIVE PARENTS AND THE STATE CHILD
2 WELFARE AGENCY OF THE STATE WHICH UNDERTAKES TO PROVIDE THE ADOPTION
3 ASSISTANCE AND THAT THE ADOPTION ASSISTANCE AGREEMENT BE EXPRESSLY
4 FOR THE BENEFIT OF THE ADOPTED CHILD AND ENFORCEABLE BY BOTH THE
5 ADOPTIVE PARENTS AND THE STATE AGENCY PROVIDING THE ADOPTION
6 ASSISTANCE; ~~AND~~

7 ~~(5) ANY OTHER PROVISION THAT MAY BE APPROPRIATE TO THE~~
8 ~~COMPACT.~~

9 (B) A COMPACT ENTERED INTO PURSUANT TO § 5-4A-03 OF THIS SUBTITLE
10 MAY INCLUDE A PROVISION ESTABLISHING PROCEDURES AND ENTITLEMENTS TO
11 MEDICAL OR OTHER NECESSARY SOCIAL SERVICES FOR THE CHILD IN ACCORDANCE
12 WITH APPLICABLE LAWS EVEN THOUGH THE CHILD AND THE ADOPTIVE PARENTS
13 ARE IN A STATE OTHER THAN THE STATE RESPONSIBLE FOR PROVIDING THE
14 SERVICES OR THE FUNDS TO DEFRAY PART OR ALL OF THE COSTS.

15 5-4A-05.

16 (A) (1) A CHILD WITH SPECIAL NEEDS WHO RESIDES IN THIS STATE AND
17 WHO IS THE SUBJECT OF AN ADOPTION ASSISTANCE AGREEMENT WITH ANOTHER
18 STATE SHALL BE ENTITLED TO RECEIVE A MEDICAL ASSISTANCE IDENTIFICATION
19 FROM THIS STATE UPON FILING WITH THE ADMINISTRATION A CERTIFIED COPY OF
20 THE ADOPTION ASSISTANCE AGREEMENT OBTAINED FROM THE ADOPTION
21 ASSISTANCE STATE WHICH CERTIFIES TO THE ELIGIBILITY OF THE CHILD FOR
22 MEDICAL ASSISTANCE.

23 (2) THE ADOPTIVE PARENTS SHALL BE REQUIRED AT LEAST ANNUALLY
24 TO SHOW THAT THE ADOPTION ASSISTANCE AGREEMENT IS STILL IN FORCE OR HAS
25 BEEN RENEWED.

26 (B) THE ADMINISTRATION SHALL CONSIDER THE HOLDER OF A MEDICAL
27 ASSISTANCE IDENTIFICATION PURSUANT TO THIS SECTION THE SAME AS ANY
28 OTHER HOLDER OF A MEDICAL ASSISTANCE IDENTIFICATION UNDER THE LAWS OF
29 THIS STATE AND SHALL PROCESS AND MAKE PAYMENT ON CLAIMS ON ACCOUNT OF
30 THE HOLDER IN THE SAME MANNER AND PURSUANT TO THE SAME CONDITIONS AND
31 PROCEDURES AS FOR OTHER RECIPIENTS OF MEDICAL ASSISTANCE.

32 (C) (1) THIS SECTION SHALL APPLY ONLY TO MEDICAL ASSISTANCE FOR
33 CHILDREN UNDER ADOPTION ASSISTANCE AGREEMENTS FROM STATES THAT
34 PROVIDE MEDICAL ASSISTANCE TO CHILDREN WITH SPECIAL NEEDS UNDER
35 ADOPTION ASSISTANCE AGREEMENTS MADE BY THIS STATE.

36 (2) ALL OTHER CHILDREN ENTITLED TO MEDICAL ASSISTANCE
37 PURSUANT TO ADOPTION ASSISTANCE AGREEMENTS ENTERED INTO BY THIS STATE
38 SHALL BE ELIGIBLE TO RECEIVE IT IN ACCORDANCE WITH THE APPLICABLE LAWS
39 AND PROCEDURES.

1 5-4A-06.

2 A PERSON WHO SUBMITS A CLAIM FOR PAYMENT OR FOR REIMBURSEMENT FOR
3 SERVICES OR BENEFITS OR MAKES A STATEMENT IN CONNECTION WITH A CLAIM
4 FOR PAYMENT OR REIMBURSEMENT FOR SERVICES OR BENEFITS PURSUANT TO §
5 5-4A-05 OF THIS SUBTITLE WHICH THE PERSON KNOWS OR SHOULD KNOW IS FALSE,
6 MISLEADING, OR FRAUDULENT IS GUILTY OF PERJURY AND ON CONVICTION IS
7 SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 2
8 YEARS OR BOTH.

9 5-4A-07.

10 THE ADMINISTRATION ~~AND THE DEPARTMENT OF HEALTH AND MENTAL~~
11 ~~HYGIENE~~ MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SUBTITLE.

12 5-4A-08.

13 (A) CONSISTENT WITH FEDERAL LAW, THE DEPARTMENT OF HEALTH AND
14 MENTAL HYGIENE AND THE DEPARTMENT OF HUMAN RESOURCES, IN CONNECTION
15 WITH THE IMPLEMENTATION AND EXECUTION OF THIS SUBTITLE AND ANY
16 COMPACT ENTERED INTO PURSUANT TO THIS SUBTITLE SHALL INCLUDE IN ANY
17 STATE PLAN MADE PURSUANT TO THE ADOPTION ASSISTANCE AND CHILD WELFARE
18 ACT OF 1980 (P.L. 96-272), TITLES IV-(E) AND XIX OF THE SOCIAL SECURITY ACT, AND
19 ANY OTHER APPLICABLE FEDERAL LAWS, THE PROVISION OF ADOPTION ASSISTANCE
20 AND MEDICAL ASSISTANCE FOR WHICH THE FEDERAL GOVERNMENT PAYS SOME OR
21 ALL OF THE COST.

22 (B) THE DEPARTMENTS SHALL APPLY FOR AND ADMINISTER ALL RELEVANT
23 FEDERAL AID IN ACCORDANCE WITH LAW.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 July 1, 1999.