

SENATE BILL 96

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1999 Regular Session
9r0287

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

Introduced and read first time: January 18, 1999
Assigned to: Judicial Proceedings

A BILL ENTITLED

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 to adopt certain regulations; defining certain
13 terms; and generally relating to the interstate delivery of certain adoption and
14 medical assistance services.

15 BY renumbering

16 Article - Family Law
17 Section 5-4A-01 through 5-4A-07 and the subtitle "Subtitle 4A. Mutual
18 Consent Voluntary Adoption Registry", respectively
19 to be Section 5-4C-01 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual
20 Consent Voluntary Adoption Registry", respectively
21 Annotated Code of Maryland
22 (1991 Replacement Volume and 1998 Supplement)

23 BY adding to

24 Article - Family Law
25 Section 5-4A-01 through 5-4A-08, inclusive, to be under the new subtitle
26 "Subtitle 4A. Interstate Compact on Adoption and Medical Assistance"
27 Annotated Code of Maryland
28 (1991 Replacement Volume and 1998 Supplement)

1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That Section(s) 5-4A-01 through 5-4A-07 and the subtitle "Subtitle
3 4A. Mutual Consent Voluntary Adoption Registry", respectively, of Article - Family
4 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-4C-01
5 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual Consent Voluntary Adoption
6 Registry", respectively.

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

9 **Article - Family Law**

10 SUBTITLE 4A. INTERSTATE COMPACT ON ADOPTION AND MEDICAL ASSISTANCE.

11 5-4A-01.

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) "ADMINISTRATION" MEANS THE SOCIAL SERVICES ADMINISTRATION OF
15 THE DEPARTMENT.

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

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

19 5-4A-02.

20 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

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

33 (2) PROVIDE PROCEDURES FOR INTERSTATE ADOPTION ASSISTANCE
34 PAYMENTS, INCLUDING MEDICAL PAYMENTS.

1 5-4A-03.

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

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

8 5-4A-04.

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

11 (1) A PROVISION MAKING THE COMPACT AVAILABLE FOR JOINDER BY
12 ALL STATES;

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

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

22 (4) A REQUIREMENT THAT EACH INSTANCE OF ADOPTION ASSISTANCE
23 TO WHICH THE COMPACT APPLIES BE COVERED BY AN ADOPTION ASSISTANCE
24 AGREEMENT IN WRITING BETWEEN THE ADOPTIVE PARENTS AND THE STATE CHILD
25 WELFARE AGENCY OF THE STATE WHICH UNDERTAKES TO PROVIDE THE ADOPTION
26 ASSISTANCE AND THAT THE ADOPTION ASSISTANCE AGREEMENT BE EXPRESSLY
27 FOR THE BENEFIT OF THE ADOPTED CHILD AND ENFORCEABLE BY BOTH THE
28 ADOPTIVE PARENTS AND THE STATE AGENCY PROVIDING THE ADOPTION
29 ASSISTANCE; AND

30 (5) ANY OTHER PROVISION THAT MAY BE APPROPRIATE TO THE
31 COMPACT.

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

1 5-4A-05.

2 (A) (1) A CHILD WITH SPECIAL NEEDS WHO RESIDES IN THIS STATE AND
3 WHO IS THE SUBJECT OF AN ADOPTION ASSISTANCE AGREEMENT WITH ANOTHER
4 STATE SHALL BE ENTITLED TO RECEIVE A MEDICAL ASSISTANCE IDENTIFICATION
5 FROM THIS STATE UPON FILING WITH THE ADMINISTRATION A CERTIFIED COPY OF
6 THE ADOPTION ASSISTANCE AGREEMENT OBTAINED FROM THE ADOPTION
7 ASSISTANCE STATE WHICH CERTIFIES TO THE ELIGIBILITY OF THE CHILD FOR
8 MEDICAL ASSISTANCE.

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

12 (B) THE ADMINISTRATION SHALL CONSIDER THE HOLDER OF A MEDICAL
13 ASSISTANCE IDENTIFICATION PURSUANT TO THIS SECTION THE SAME AS ANY
14 OTHER HOLDER OF A MEDICAL ASSISTANCE IDENTIFICATION UNDER THE LAWS OF
15 THIS STATE AND SHALL PROCESS AND MAKE PAYMENT ON CLAIMS ON ACCOUNT OF
16 THE HOLDER IN THE SAME MANNER AND PURSUANT TO THE SAME CONDITIONS AND
17 PROCEDURES AS FOR OTHER RECIPIENTS OF MEDICAL ASSISTANCE.

18 (C) (1) THIS SECTION SHALL APPLY ONLY TO MEDICAL ASSISTANCE FOR
19 CHILDREN UNDER ADOPTION ASSISTANCE AGREEMENTS FROM STATES THAT
20 PROVIDE MEDICAL ASSISTANCE TO CHILDREN WITH SPECIAL NEEDS UNDER
21 ADOPTION ASSISTANCE AGREEMENTS MADE BY THIS STATE.

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

26 5-4A-06.

27 A PERSON WHO SUBMITS A CLAIM FOR PAYMENT OR FOR REIMBURSEMENT FOR
28 SERVICES OR BENEFITS OR MAKES A STATEMENT IN CONNECTION WITH A CLAIM
29 FOR PAYMENT OR REIMBURSEMENT FOR SERVICES OR BENEFITS PURSUANT TO §
30 5-4A-05 OF THIS SUBTITLE WHICH THE PERSON KNOWS OR SHOULD KNOW IS FALSE,
31 MISLEADING, OR FRAUDULENT IS GUILTY OF PERJURY AND ON CONVICTION IS
32 SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 2
33 YEARS OR BOTH.

34 5-4A-07.

35 THE ADMINISTRATION MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT
36 THIS SUBTITLE.

37 5-4A-08.

38 (A) CONSISTENT WITH FEDERAL LAW, THE DEPARTMENT OF HEALTH AND
39 MENTAL HYGIENE AND THE DEPARTMENT OF HUMAN RESOURCES, IN CONNECTION

1 WITH THE IMPLEMENTATION AND EXECUTION OF THIS SUBTITLE AND ANY
2 COMPACT ENTERED INTO PURSUANT TO THIS SUBTITLE SHALL INCLUDE IN ANY
3 STATE PLAN MADE PURSUANT TO THE ADOPTION ASSISTANCE AND CHILD WELFARE
4 ACT OF 1980 (P.L. 96-272), TITLES IV-(E) AND XIX OF THE SOCIAL SECURITY ACT, AND
5 ANY OTHER APPLICABLE FEDERAL LAWS, THE PROVISION OF ADOPTION ASSISTANCE
6 AND MEDICAL ASSISTANCE FOR WHICH THE FEDERAL GOVERNMENT PAYS SOME OR
7 ALL OF THE COST.

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

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