

SENATE BILL 96

Unofficial Copy
D4

1999 Regular Session
9lr0287
CF 9lr1751

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 18, 1999

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.

16 BY renumbering

17 Article - Family Law
18 Section 5-4A-01 through 5-4A-07 and the subtitle "Subtitle 4A. Mutual
19 Consent Voluntary Adoption Registry", respectively
20 to be Section 5-4C-01 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual
21 Consent Voluntary Adoption Registry", respectively
22 Annotated Code of Maryland
23 (1991 Replacement Volume and 1998 Supplement)

1 BY adding to
2 Article - Family Law
3 Section 5-4A-01 through 5-4A-08, inclusive, to be under the new subtitle
4 "Subtitle 4A. Interstate Compact on Adoption and Medical Assistance"
5 Annotated Code of Maryland
6 (1991 Replacement Volume and 1998 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
8 MARYLAND, That Section(s) 5-4A-01 through 5-4A-07 and the subtitle "Subtitle
9 4A. Mutual Consent Voluntary Adoption Registry", respectively, of Article - Family
10 Law of the Annotated Code of Maryland be renumbered to be Section(s) 5-4C-01
11 through 5-4C-07 and the subtitle "Subtitle 4C. Mutual Consent Voluntary Adoption
12 Registry", respectively.

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

15 **Article - Family Law**

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

17 5-4A-01.

18 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
19 INDICATED.

20 (B) "ADMINISTRATION" MEANS THE SOCIAL SERVICES ADMINISTRATION OF
21 THE DEPARTMENT.

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

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

25 5-4A-02.

26 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

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

4 (2) PROVIDE PROCEDURES FOR INTERSTATE ADOPTION ASSISTANCE
5 PAYMENTS, INCLUDING MEDICAL PAYMENTS.

6 5-4A-03.

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

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

13 5-4A-04.

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

16 (1) A PROVISION MAKING THE COMPACT AVAILABLE FOR JOINDER BY
17 ALL STATES;

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

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

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

35 (5) ANY OTHER PROVISION THAT MAY BE APPROPRIATE TO THE
36 COMPACT.

37 (B) A COMPACT ENTERED INTO PURSUANT TO § 5-4A-03 OF THIS SUBTITLE
38 MAY INCLUDE A PROVISION ESTABLISHING PROCEDURES AND ENTITLEMENTS TO

1 MEDICAL OR OTHER NECESSARY SOCIAL SERVICES FOR THE CHILD IN ACCORDANCE
2 WITH APPLICABLE LAWS EVEN THOUGH THE CHILD AND THE ADOPTIVE PARENTS
3 ARE IN A STATE OTHER THAN THE STATE RESPONSIBLE FOR PROVIDING THE
4 SERVICES OR THE FUNDS TO DEFRAY PART OR ALL OF THE COSTS.

5 5-4A-05.

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

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

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

22 (C) (1) THIS SECTION SHALL APPLY ONLY TO MEDICAL ASSISTANCE FOR
23 CHILDREN UNDER ADOPTION ASSISTANCE AGREEMENTS FROM STATES THAT
24 PROVIDE MEDICAL ASSISTANCE TO CHILDREN WITH SPECIAL NEEDS UNDER
25 ADOPTION ASSISTANCE AGREEMENTS MADE BY THIS STATE.

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

30 5-4A-06.

31 A PERSON WHO SUBMITS A CLAIM FOR PAYMENT OR FOR REIMBURSEMENT FOR
32 SERVICES OR BENEFITS OR MAKES A STATEMENT IN CONNECTION WITH A CLAIM
33 FOR PAYMENT OR REIMBURSEMENT FOR SERVICES OR BENEFITS PURSUANT TO §
34 5-4A-05 OF THIS SUBTITLE WHICH THE PERSON KNOWS OR SHOULD KNOW IS FALSE,
35 MISLEADING, OR FRAUDULENT IS GUILTY OF PERJURY AND ON CONVICTION IS
36 SUBJECT TO A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 2
37 YEARS OR BOTH.

38 5-4A-07.

39 THE ADMINISTRATION AND THE DEPARTMENT OF HEALTH AND MENTAL
40 HYGIENE MAY ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SUBTITLE.

1 5-4A-08.

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

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

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