

HOUSE BILL 1160

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2000 Regular Session
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By: **Delegates Rosenberg, Branch, Klima, R. Baker, Pitkin, Flanagan, and Cadden**

Introduced and read first time: February 11, 2000
Assigned to: Appropriations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2000

CHAPTER _____

1 AN ACT concerning

2 **Welfare Innovation Act of 2000**

3 FOR the purpose of authorizing the Secretary of Human Resources to establish a
4 certain number of demonstration sites under the Family Investment Program;
5 requiring the ~~Secretary of Human Resources~~ director of the local department of
6 social services to appoint a director of each demonstration site; granting the
7 Secretary of Human Resources certain authority in a demonstration site;
8 requiring that employees hired at a demonstration site be placed in the
9 management service or in special appointments in the State Personnel
10 Management System; providing for an exception to that placement for a limited
11 period; requiring the Secretary to establish a performance incentive program to
12 pay employees in a demonstration site; providing for certain statutory
13 construction; altering the model hiring agreement used by the Secretary of
14 Human Resources under the Program to allow priority hiring to positions that
15 are not entry-level positions; requiring the Secretary of Human Resources to
16 work with local governments in the recruiting and hiring of Program recipients
17 into local government positions; requiring the local departments of social
18 services to develop, submit, and implement local plans and report the success of
19 those plans to the Secretary; requiring the use of on-site addictions specialists
20 in the screening and assessment of adult or minor applicants for or recipients of
21 assistance under certain circumstances; altering certain procedures related to
22 screening and assessment; providing for a waiver from a certain federal act
23 relating to the barring of public assistance to certain individuals who have been
24 convicted of certain felonies relating to controlled dangerous substances;
25 requiring the testing and treatment of an applicant for or recipient of public
26 assistance who has been convicted of those felonies after a certain date,
27 notwithstanding the waiver; making certain individuals who have been

1 convicted of certain felonies relating to controlled dangerous substances
 2 ineligible for certain assistance for a certain period from the date of conviction;
 3 providing for the imposition of certain sanctions under certain circumstances;
 4 requiring the Secretary of Human Resources to adopt regulations to establish
 5 testing methods and procedures and requiring those methods and procedures to
 6 be consistent with certain existing methods and procedures; permitting a
 7 certain noncompetitive negotiation process to procure certain services under the
 8 Family Investment Program; permitting the use of certain prequalified bidders
 9 or offerors to procure certain services under the Family Investment Program;
 10 requiring the Secretary of Human Resources and the Secretary of Health and
 11 Mental Hygiene to report on ~~these efforts~~ the implementation of certain
 12 provisions of this Act to certain committees of the General Assembly by a certain
 13 ~~date~~ certain dates; requiring the Departments of Human Resources and Health
 14 and Mental Hygiene to ensure certain treatment is available to certain
 15 individuals; defining a certain term; providing for the termination of certain
 16 provisions of this Act; and generally relating to improving the level of jobs, and
 17 access to those jobs for Family Investment Program recipients and to
 18 demonstration programs under the Family Investment Program.

19 BY repealing and reenacting, with amendments,
 20 Article 88A - Department of Human Resources
 21 Section 46 and 50A
 22 Annotated Code of Maryland
 23 (1998 Replacement Volume and 1999 Supplement)

24 BY adding to
 25 Article 88A - Department of Human Resources
 26 Section 55 and 65A
 27 Annotated Code of Maryland
 28 (1998 Replacement Volume and 1999 Supplement)

29 BY repealing and reenacting, with amendments,
 30 Article - State Finance and Procurement
 31 Section 13-106, 13-204, and 13-224
 32 Annotated Code of Maryland
 33 (1995 Replacement Volume and 1999 Supplement)

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

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

37 46.

38 (A) The Secretary shall:

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

3 (2) Supervise the administration of the FIP under this subtitle by local
4 departments;

5 (3) Cooperate with the federal government in matters of mutual concern
6 pertaining to federal funding for the FIP; and

7 (4) Adopt regulations necessary or desirable to carry out the provisions
8 of this subtitle.

9 (B) (1) THE SECRETARY OF HUMAN RESOURCES SHALL DEVELOP AND
10 IMPLEMENT A PLAN, WORKING WITH APPROPRIATE LOCAL GOVERNMENT
11 OFFICIALS, UNDER WHICH LOCAL GOVERNMENTS WOULD HIRE FIP RECIPIENTS TO
12 WORK IN LOCAL GOVERNMENT.

13 (2) COMPONENTS OF ANY LOCAL GOVERNMENT HIRING PLAN
14 DEVELOPED BY THE SECRETARY SHALL INCLUDE, FOR EACH JURISDICTION:

15 (I) AN INDICATION OF THE UNITS THAT COULD MOST EASILY HIRE
16 FIP RECIPIENTS;

17 (II) THE EMPLOYMENT POSITIONS MOST SUITABLE FOR FIP
18 RECIPIENTS;

19 (III) PROPOSALS FOR RECRUITING FIP RECIPIENTS;

20 (IV) EMPLOYMENT RETENTION STRATEGIES; AND

21 (V) A TARGET NUMBER OF FIP RECIPIENTS TO BE RECRUITED.

22 (3) THE DIRECTOR OF EACH LOCAL DEPARTMENT OF SOCIAL SERVICES
23 SHALL BE RESPONSIBLE FOR:

24 (I) THE DEVELOPMENT AND SUBMISSION OF THE LOCAL
25 DEPARTMENT PLAN IN ACCORDANCE WITH A SCHEDULE AND FORMAT TO BE
26 DETERMINED BY THE SECRETARY;

27 (II) THE TIMELY IMPLEMENTATION OF THE PROPOSALS AND
28 STRATEGIES CONTAINED IN THE LOCAL PLAN;

29 (III) THE ACHIEVEMENT OF THE TARGET NUMBERS CONTAINED IN
30 THE LOCAL PLAN; AND

31 (IV) THE DEVELOPMENT AND SUBMISSION TO THE SECRETARY OF
32 REPORTS IN ACCORDANCE WITH A SCHEDULE AND FORMAT TO BE DEVELOPED BY
33 THE SECRETARY.

34 (3) (4) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE SECRETARY
35 OF HUMAN RESOURCES, IN CONSULTATION WITH THE MARYLAND ASSOCIATION OF

1 COUNTIES, AND THE MARYLAND MUNICIPAL LEAGUE, SHALL REPORT, SUBJECT TO §
2 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE
3 AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY, ON:

4 (I) THE DEVELOPMENT OF THE PLAN ENCOURAGED UNDER THIS
5 PARAGRAPH; AND

6 (II) THE NUMBER OF WELFARE RECIPIENTS HIRED AND RETAINED
7 BY LOCAL GOVERNMENTS.

8 50A.

9 (a) (1) At initial application, or first redetermination after July 1, 1997, for
10 temporary cash assistance, or when considered appropriate by the FIP staff of the
11 local department, [a] AN ADDICTIONS SPECIALIST ON-SITE IN THE local department
12 shall assess the need of any adult or minor parent APPLICANT OR recipient for
13 substance abuse treatment.

14 (2) To assist in determining whether an adult or minor parent
15 APPLICANT OR recipient has a need for substance abuse treatment, the ADDICTIONS
16 SPECIALIST ON-SITE IN THE local department shall [use an enhanced assessment of]
17 SCREEN the adult or minor parent APPLICANT OR recipient [that would] TO expose
18 any potential barriers that the adult or minor parent APPLICANT OR recipient may
19 have in obtaining employment such as having a substance abuse problem.

20 (3) The ADDICTIONS SPECIALIST ON-SITE IN THE local department shall
21 inform each adult or minor parent APPLICANT OR recipient of the requirements of FIP
22 regarding substance abuse treatment[, including an adult or minor parent recipient's
23 obligation to participate in an initial health screen with the adult or minor parent
24 recipient's managed care organization within the time specified by regulation
25 following the adult or minor parent recipient's enrollment in the managed care
26 organization or lose FIP benefits].

27 (4) [After the adult or minor parent recipient is certified eligible for
28 temporary cash assistance under this subtitle and for medical assistance under Title
29 15, Subtitle 1 of the Health - General Article, the adult or minor parent recipient
30 shall be screened for substance abuse as part of the initial health screen required to
31 be performed by a managed care organization in accordance with regulations adopted
32 by the Department of Health and Mental Hygiene under Title 15, Subtitle 1 of the
33 Health - General Article.] IF THE ADULT OR MINOR PARENT APPLICANT OR
34 RECIPIENT DOES NOT COMPLETE THE SCREENING REQUIRED UNDER PARAGRAPH (2)
35 OF THIS SUBSECTION, THE ADDICTIONS SPECIALIST SHALL NOTIFY THE FIP CASE
36 MANAGER.

37 [(5) The managed care organization shall notify the local department if
38 the adult or minor parent recipient has not completed the initial health screen
39 required by the adult or minor parent recipient's managed care organization.]

40 (b) (1) If the [initial health screen or any follow-up diagnostic testing or
41 treatment performed by a managed care organization or direct provider of services]

1 SCREENING PERFORMED BY THE ADDICTIONS SPECIALIST reveals that an adult or
2 minor parent APPLICANT OR recipient has a substance abuse problem, the [managed
3 care organization or direct provider of services] ADDICTIONS SPECIALIST shall:

4 (i) [Refer] CONDUCT AN ASSESSMENT OF SUBSTANCE ABUSE BY
5 AN ADULT OR MINOR PARENT APPLICANT OR RECIPIENT AND, IF APPROPRIATE,
6 DETERMINE PLACEMENT FOR TREATMENT AND RELATED SUPPORTIVE SERVICES;

7 (II) REFER the adult or minor parent APPLICANT OR recipient for
8 appropriate substance abuse treatment AND RELATED SUPPORTIVE SERVICES; [and

9 (ii) Complete and submit to the local department the substance
10 abuse identification form required by regulations developed by the Secretary.]

11 (III) OBTAIN THE SIGNATURE OF THE ADULT OR MINOR PARENT
12 APPLICANT OR RECIPIENT ON A FORM CONSENTING TO THE RELEASE OF
13 CONFIDENTIAL ALCOHOL AND DRUG TREATMENT INFORMATION; AND

14 (IV) FORWARD THE CONSENT FORM TO THE APPROPRIATE
15 SUBSTANCE ABUSE TREATMENT PROVIDER.

16 (2) (i) The substance abuse TREATMENT provider shall notify the
17 ADDICTIONS SPECIALIST IN THE local department OF THE ONGOING TREATMENT
18 STATUS OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT.

19 (II) THE ADDICTIONS SPECIALIST SHALL NOTIFY THE FIP CASE
20 MANAGER;

21 1. [that] THAT an adult or minor parent APPLICANT OR
22 recipient has been referred for appropriate substance abuse treatment; AND

23 2. REGARDING THE STATUS OF THE ONGOING TREATMENT
24 OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT.

25 [(ii)] (III) [As part of its] TO PROVIDE THE notification REQUIRED
26 under subparagraph [(i)] (II) of this paragraph, the [substance abuse provider]
27 ADDICTIONS SPECIALIST SHALL FORWARD CONSENT FOR THE RELEASE OF THE
28 INFORMATION TO THE SUBSTANCE ABUSE TREATMENT PROVIDER, OBTAIN THE
29 NECESSARY TREATMENT INFORMATION FROM THE TREATMENT PROVIDER, AND
30 notify the local department if the adult or minor parent APPLICANT OR recipient;

31 1. [Is not actively enrolled in a substance abuse treatment
32 program as defined by the Alcohol and Drug Abuse Administration] FAILS TO
33 COMPLETE THE ASSESSMENT REQUIRED UNDER PARAGRAPH (1) OF THIS
34 SUBSECTION;

35 2. FAILS TO SIGN THE CONSENT FORM REQUIRED UNDER
36 PARAGRAPH (1)(III) OF THIS SUBSECTION;

1 3. FAILS TO ENROLL OR MAINTAIN ENROLLMENT WITH AN
 2 AVAILABLE SUBSTANCE TREATMENT PROVIDER OR TO COMPLETE THE TREATMENT
 3 PROTOCOL;

4 [2.] 4. Is awaiting the availability of appropriate treatment;

5 5. IS ENROLLED IN A TREATMENT PROGRAM; or

6 [3.] 6. [Has successfully completed the] SUCCESSFULLY
 7 COMPLETES treatment.

8 (c) [A] AN ADULT OR MINOR PARENT APPLICANT OR recipient who complies
 9 with the requirements of the FIP in regard to substance abuse treatment:

10 (1) Shall receive the full temporary cash assistance benefit as long as the
 11 adult or minor parent APPLICANT OR recipient continues to meet other temporary
 12 cash assistance eligibility requirements; and

13 (2) May be exempt from the work requirements for a period of time
 14 determined by the [local department] FIP CASE MANAGER in consultation with the
 15 [substance abuse treatment provider or the managed care organization] ADDICTIONS
 16 SPECIALIST.

17 (d) An adult or minor parent APPLICANT OR recipient shall be considered not
 18 in compliance with FIP requirements, if the [local department] FIP CASE MANAGER
 19 receives notice from the [managed care organization] ADDICTIONS SPECIALIST that
 20 the adult or minor parent APPLICANT OR recipient:

21 (1) [Has not completed the initial health screen required by the adult or
 22 minor parent recipient's managed care organization in accordance with regulations
 23 adopted by the Department of Health and Mental Hygiene under Title 15, Subtitle 1
 24 of the Health - General Article; or] DOES NOT COMPLETE THE SCREENING OR
 25 ASSESSMENT REQUIRED UNDER SUBSECTIONS (A)(2) AND (B)(1)(I) OF THIS SECTION;

26 (2) [Was referred for appropriate substance abuse treatment by the
 27 managed care organization, but the adult or minor parent recipient failed to maintain
 28 active enrollment, as defined by the Alcohol and Drug Abuse Administration, in the
 29 treatment program or complete the treatment protocol] DOES NOT SIGN THE
 30 CONSENT FORM REQUIRED UNDER SUBSECTION (B)(1)(III) OF THIS SECTION; OR

31 (3) IS REFERRED FOR APPROPRIATE AND AVAILABLE SUBSTANCE
 32 ABUSE TREATMENT BY THE ADDICTIONS SPECIALIST BUT FAILS TO ENROLL OR TO
 33 MAINTAIN ACTIVE ENROLLMENT IN THE TREATMENT PROGRAM OR COMPLETE THE
 34 TREATMENT PROTOCOL.

35 (e) After receiving the notice under subsection (d)(1) of this section, the local
 36 department shall send a notice to the adult or minor parent recipient informing the
 37 adult or minor parent recipient that:

1 (1) The adult or minor parent recipient is not in compliance with FIP
2 requirements, including the specific reason why the adult or minor parent recipient is
3 considered not in compliance with FIP requirements; and

4 (2) 30 days after the date of the notice, the adult or minor parent
5 recipient's temporary cash assistance benefits will be reduced by that increment in
6 cash benefits that included the adult or minor parent recipient.]

7 (E) AFTER RECEIVING A NOTICE UNDER SUBSECTION (D) OF THIS SECTION,
8 THE LOCAL DEPARTMENT SHALL:

9 (1) SEND A DENIAL NOTICE TO THE ADULT OR MINOR PARENT
10 APPLICANT INFORMING THE APPLICANT THAT:

11 (I) THE APPLICANT HAS NOT MET PROGRAM REQUIREMENTS,
12 INCLUDING THE SPECIFIC REASON THE APPLICANT IS NOT ELIGIBLE FOR FIP; AND

13 (II) IF THE APPLICANT FAILS TO FULFILL THE REQUIREMENTS ON
14 OR BEFORE THE 30TH WORK DAY AFTER THE APPLICATION WAS FILED, THE
15 APPLICATION FOR TEMPORARY CASH ASSISTANCE IS DENIED; AND

16 (2) SEPARATELY DETERMINE ELIGIBILITY FOR MEDICAL ASSISTANCE
17 AND FOOD STAMPS.

18 [(f)] (1) The local department shall reduce an adult or minor parent
19 recipient's temporary cash assistance benefits as described in subsection (e) of this
20 section, if the adult or minor parent recipient has not completed the initial health
21 screen required by the adult or minor parent recipient's managed care organization.

22 (2) The local department shall continue to make these reduced payments
23 to the adult or minor parent recipient until the local department receives notice from
24 the managed care organization that the adult or minor parent recipient has
25 completed the initial health screen required by the adult or minor parent recipient's
26 managed care organization.]

27 [(g)] (F) After receiving [the] A notice under subsection [(d)(2)] (D) of this
28 section, the local department shall send a notice to the adult or minor parent recipient
29 informing the adult or minor parent recipient that:

30 (1) The adult or minor parent recipient is not in compliance with FIP
31 requirements, including the specific reasons why the adult or minor parent recipient
32 is considered not in compliance with FIP requirements; and

33 (2) 30 days after the date of the notice:

34 (i) The adult or minor parent recipient's temporary cash assistance
35 benefits will be reduced by that increment in cash benefits that included the adult
36 recipient; and

1 (ii) The remainder of the cash benefits for the child or children in
2 the FIP case will be paid to a third party payee.

3 [(h)] (G) (1) The local department shall reduce an adult or minor parent
4 recipient's temporary cash assistance benefits and pay the remainder of the cash
5 benefits to a third party payee as described in subsection [(g)] (F) of this section, if
6 the adult or minor parent recipient:

7 (i) FAILS TO COMPLETE A SUBSTANCE ABUSE SCREENING OR
8 ASSESSMENT BY AN ADDICTIONS SPECIALIST, AS REQUIRED UNDER SUBSECTIONS
9 (A)(2) AND (B)(1)(I) OF THIS SECTION; OR

10 (II) 1. Receives the [initial health screen] REQUIRED
11 SCREENING AND ASSESSMENT, and the [initial health screen] REQUIRED
12 SCREENING AND ASSESSMENT or the results of any follow-up diagnostic testing or
13 treatment reveal that the adult or minor parent recipient is a substance abuser; and

14 [(ii)] 2. Refuses to [participate] ENROLL OR MAINTAIN
15 ENROLLMENT in available and appropriate substance abuse treatment.

16 (2) The local department shall continue to make payments to a third
17 party payee until the [local department] FIP CASE MANAGER receives notice from the
18 [managed care organization] ADDICTIONS SPECIALIST that the adult or minor
19 parent recipient is actively enrolled, as defined by the Alcohol and Drug Abuse
20 Administration, in the appropriate substance abuse treatment indicated by the
21 [managed care organization] ADDICTIONS SPECIALIST.

22 [(i)] (H) The local department may not DENY AN ADULT OR MINOR PARENT
23 APPLICANT'S TEMPORARY CASH ASSISTANCE BENEFIT OR reduce an adult or minor
24 parent recipient's temporary cash ASSISTANCE benefit as described under
25 [subsection (g)] SUBSECTIONS (E) AND (F) of this section, if the adult or minor parent
26 APPLICANT OR recipient:

27 (1) Receives the [initial health screen] REQUIRED SCREENING AND
28 ASSESSMENT, and the [initial health screen] REQUIRED SCREENING AND
29 ASSESSMENT or the results of any follow-up diagnostic testing or treatment reveal
30 that the adult or minor parent APPLICANT OR recipient is a substance abuser; and

31 (2) Agrees to participate in appropriate substance abuse treatment, as
32 determined by the [managed care organization] ADDICTIONS SPECIALIST, but the
33 appropriate substance abuse treatment indicated is not available.

34 [(j)] (I) If temporary cash assistance is DENIED OR reduced under this
35 section, the adult or minor parent APPLICANT OR recipient shall retain eligibility for
36 medical assistance and food stamps, as long as the adult or minor parent APPLICANT
37 OR recipient meets the medical assistance and food stamp program requirements.

1 55.

2 (A) IN THIS SECTION, "DEMONSTRATION SITE" MEANS A SITE SELECTED BY
3 THE SECRETARY, IN CONSULTATION WITH THE DIRECTOR OF THE LOCAL UNIT OF
4 THE JURISDICTION.

5 (B) THE SECRETARY MAY ESTABLISH A FIP DEMONSTRATION SITE IN AT
6 LEAST ONE, BUT NOT EXCEEDING SIX, JURISDICTION.

7 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE ~~SECRETARY~~
8 DIRECTOR OF THE LOCAL UNIT OF THE JURISDICTION SHALL APPOINT A DIRECTOR
9 OF THE FIP ESTABLISHED IN A DEMONSTRATION SITE WHO SHALL REPORT
10 DIRECTLY TO THE ~~EXECUTIVE DIRECTOR OF THE FAMILY INVESTMENT~~
11 ~~ADMINISTRATION OF THE DEPARTMENT~~ DIRECTOR OF THE LOCAL UNIT OF THE
12 JURISDICTION.

13 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY
14 SHALL HAVE SOLE AUTHORITY ~~OVER TO APPROVE THE DEMONSTRATION SITE PLANS~~
15 THAT WILL GOVERN FIP FUNCTIONS IN A DEMONSTRATION SITE, INCLUDING THE
16 AUTHORITY TO APPROVE DEMONSTRATION SITE PLANS THAT WILL:

17 (1) ASSIST FAMILIES ON WELFARE THAT HAVE AN EMPLOYABLE
18 PARENT TOWARD A LASTING EXIT FROM TEMPORARY CASH ASSISTANCE;

19 (2) ENSURE THAT INDIVIDUALS AND FAMILIES RECEIVE APPROPRIATE
20 BENEFITS;

21 (3) REDUCE ERRORS IN THE ADMINISTRATION OF FIP;

22 (4) PLACE TEMPORARY CASH ASSISTANCE RECIPIENTS IN EMPLOYMENT
23 IN WHICH THEIR EARNINGS WILL LIKELY INCREASE; AND

24 (5) IMPROVE THE TYPES OF EMPLOYMENT AND EMPLOYMENT
25 RETENTION RATES OF EXISTING AND FORMER WELFARE RECIPIENTS.

26 (E) THE DIRECTOR OF THE LOCAL UNIT SHALL:

27 (1) DEVELOP A DEMONSTRATION SITE PLAN FOR SUBMITTAL TO THE
28 SECRETARY FOR APPROVAL WHICH WILL DETAIL ITS:

29 (I) PROGRAMMATIC STRUCTURE, INCLUDING ANY
30 PROGRAMMATIC CHANGES;

31 (II) ORGANIZATIONAL STRUCTURE, INCLUDING ANY
32 ORGANIZATIONAL CHANGES;

33 (III) PAY INCENTIVE STRUCTURE AND CRITERIA FOR THE AWARD
34 OF PAY INCENTIVES;

35 (IV) MEASURABLE PERFORMANCE CRITERIA AND HOW THESE
36 RELATE TO THE INCENTIVE STRUCTURE; AND

1 (V) TARGET PERFORMANCE CRITERIA;

2 (2) IMPLEMENT THE PLAN AS APPROVED;

3 (3) HAVE THE PROPER OPERATION OF THE DEMONSTRATION AND THE
4 ACHIEVEMENT OF THE TARGET PERFORMANCE CRITERIA BE AN ELEMENT OF THAT
5 LOCAL UNIT DIRECTOR'S PERFORMANCE EVALUATION; AND

6 (4) REPORT BACK TO THE DEPARTMENT OF HUMAN RESOURCES ON THE
7 PROGRESS ACHIEVED IN THE DEMONSTRATION SITE.

8 ~~(E)~~ (F) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION
9 AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL EMPLOYEES HIRED IN
10 A DEMONSTRATION SITE AFTER ITS DESIGNATION AS A DEMONSTRATION SITE
11 SHALL BE PLACED IN THE MANAGEMENT SERVICE OR IN SPECIAL APPOINTMENTS IN
12 THE STATE PERSONNEL MANAGEMENT SYSTEM.

13 (2) (I) IF A POSITION IN A DEMONSTRATION SITE IS HELD BY A
14 SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEE PRIOR TO ITS
15 DESIGNATION AS A DEMONSTRATION SITE, THE POSITION SHALL REMAIN A SKILLED
16 SERVICE OR PROFESSIONAL SERVICE POSITION OR ITS EQUIVALENT IN THE STATE
17 PERSONNEL MANAGEMENT SYSTEM UNTIL THE POSITION BECOMES VACANT.

18 (II) AFTER A SKILLED SERVICE OR PROFESSIONAL SERVICE
19 POSITION IN A DEMONSTRATION SITE BECOMES VACANT, THE POSITION SHALL
20 BECOME A MANAGEMENT SERVICE OR SPECIAL APPOINTMENTS POSITION.

21 ~~(F)~~ (G) THE SECRETARY SHALL ESTABLISH A PERFORMANCE INCENTIVE
22 PROGRAM TO PROVIDE PAY INCENTIVES FOR EMPLOYEES IN A DEMONSTRATION
23 SITE.

24 ~~(G)~~ (H) THE SECRETARY'S POWERS UNDER THIS SECTION SHALL BE GIVEN A
25 LIBERAL CONSTRUCTION.

26 65A.

27 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION AND AS PERMITTED
28 UNDER 21 U.S.C. § 862A(D)(1), THE STATE HEREBY REMOVES ITSELF FROM THE
29 APPLICATION OF § 115 OF THE FEDERAL PERSONAL RESPONSIBILITY AND WORK
30 OPPORTUNITY ACT OF 1996, PUBLIC LAW 104-193, IN ORDER TO ALLOW THE
31 DEPARTMENT TO PROVIDE CASH ASSISTANCE AND FOOD STAMPS TO A RESIDENT
32 WHO HAS PREVIOUSLY BEEN CONVICTED OF A FELONY INVOLVING THE
33 POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED DANGEROUS SUBSTANCE.

34 (B) THIS SECTION DOES NOT APPLY TO THE EXTENT THAT IT IS
35 INCONSISTENT WITH § 50A OF THIS ARTICLE OR ANY OTHER RELEVANT PROVISION
36 OF THIS ARTICLE RELATING TO SUBSTANCE ABUSE BY PUBLIC ASSISTANCE
37 RECIPIENTS AND APPLICANTS AND THEIR ELIGIBILITY FOR BENEFITS.

1 (C) (1) NOTWITHSTANDING SUBSECTIONS (A) AND (B) OF THIS SECTION, IF A
2 RESIDENT PUBLIC ASSISTANCE RECIPIENT OR APPLICANT HAS BEEN CONVICTED OF
3 A FELONY INVOLVING THE POSSESSION, USE, OR DISTRIBUTION OF A CONTROLLED
4 DANGEROUS SUBSTANCE SINCE AUGUST 22, 1996, THE RECIPIENT OR APPLICANT
5 SHALL BE SUBJECT TO TESTING AS PROVIDED BY THE DEPARTMENT AND TO
6 TREATMENT, AS REQUIRED UNDER § 50A OF THIS ARTICLE, FOR A PERIOD OF 2 YEARS
7 AFTER:

8 (I) FOR AN APPLICANT OR RECIPIENT WHO WAS CONVICTED
9 BEFORE APPLICATION FOR ASSISTANCE, THE DATE THAT THE APPLICANT OR
10 RECIPIENT APPLIES FOR ASSISTANCE; OR

11 (II) FOR A RECIPIENT WHO IS CONVICTED AFTER RECEIVING
12 ASSISTANCE, THE LATTER OF THE FOLLOWING DATES:

13 1. THE DATE THE INDIVIDUAL IS RELEASED FROM
14 INCARCERATION;

15 2. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF
16 PROBATION; OR

17 3. THE DATE THE INDIVIDUAL COMPLETES ANY TERM OF
18 PAROLE OR MANDATORY SUPERVISION.

19 (2) AN APPLICANT OR RECIPIENT SUBJECT TO THIS SUBSECTION WHO
20 FAILS TO COMPLY WITH THE TESTING REQUIRED UNDER THIS SUBSECTION OR THE
21 TREATMENT REQUIRED UNDER § 50A OF THIS ARTICLE OR WHO TESTS POSITIVE FOR
22 THE ABUSE OF CONTROLLED DANGEROUS SUBSTANCES SHALL BE SUBJECT TO THE
23 SANCTIONS PROVIDED UNDER § 50A OF THIS ARTICLE.

24 (3) (I) IN CONSULTATION WITH THE DEPARTMENT OF HEALTH AND
25 MENTAL HYGIENE, THE SECRETARY SHALL ADOPT REGULATIONS ESTABLISHING
26 THE TESTING METHODS AND PROCEDURES TO BE REQUIRED BY THE DEPARTMENT
27 UNDER THIS SUBSECTION, INCLUDING THE INTERVALS OF TESTING AND METHODS
28 REQUIRED.

29 (II) THE TESTING METHODS AND PROCEDURES REQUIRED BY THE
30 DEPARTMENT UNDER THIS SUBSECTION SHALL BE CONSISTENT WITH § 50A OF THIS
31 ARTICLE.

32 (D) IF A RESIDENT PUBLIC ASSISTANCE RECIPIENT IS CONVICTED OF A
33 FELONY INVOLVING THE POSSESSION OR DISTRIBUTION OF A CONTROLLED
34 DANGEROUS SUBSTANCE AFTER JULY 1, 2000, THE RECIPIENT SHALL BE INELIGIBLE
35 FOR CASH ASSISTANCE OR FOOD STAMPS FOR ONE YEAR FROM THE DATE OF
36 CONVICTION.

1 **Article - State Finance and Procurement**2 13-106.3 (a) A procurement officer may award a procurement contract on the basis of
4 noncompetitive negotiation if:5 (1) the procurement is for human, social, or educational services to be
6 provided directly to individuals who are aged, indigent, disadvantaged, unemployed,
7 mentally or physically ill, handicapped, or displaced or minors, INCLUDING DIRECT
8 OR INDIRECT WORK-RELATED SERVICES TO BENEFIT CURRENT RECIPIENTS,
9 FORMER RECIPIENTS OR NON-CUSTODIAL PARENTS OF CHILDREN WHO ARE
10 CURRENT OR FORMER RECIPIENTS OF FAMILY INVESTMENT PROGRAM BENEFITS;11 (2) the procurement is one of a class for which the Department of Budget
12 and Management has approved the use of noncompetitive negotiation; and13 (3) with the approval of the head of the unit, the procurement officer
14 determines that:15 (i) at least 2 sources are available for the services; but16 (ii) the absence of effective competition makes it unreasonable to
17 expect bids or proposals from the available sources.18 (B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE
19 DEPARTMENT OF HUMAN RESOURCES MAY ACT AS A PRIMARY PROCUREMENT UNIT
20 AND AWARD A PROCUREMENT CONTRACT ON THE BASIS OF NONCOMPETITIVE
21 NEGOTIATION IF:22 (1) THE PROCUREMENT IS FOR DIRECT OR INDIRECT WORK-RELATED
23 SERVICES TO BENEFIT CURRENT RECIPIENTS, FORMER RECIPIENTS OR
24 NON-CUSTODIAL PARENTS OF CHILDREN WHO ARE CURRENT OR FORMER
25 RECIPIENTS OF FAMILY INVESTMENT PROGRAM BENEFITS;26 (2) THE PROCUREMENT HAS BEEN APPROVED BY THE SECRETARY OF
27 HUMAN RESOURCES; AND28 (3) THE AMOUNT OF THE CONTRACT DOES NOT EXCEED \$200,000.29 [(b)] (C) (1) Whenever a procurement is based on noncompetitive
30 negotiation, a unit shall publish a request for general expressions of interest.31 (2) A request for general expressions of interest shall:32 (i) state the general requirement for services;33 (ii) request interested service providers to respond in writing with
34 general expressions of interest; and

1 (iii) be published in the same manner as required for an invitation
2 for bids.

3 [(c)] (D) (1) To satisfy all or part of the requirements of the State as they
4 occur, and without additional advertising, the procurement officer may conduct
5 discussions with any responsible service provider who has submitted an expression of
6 interest.

7 (2) As far as practicable in the course of administering a program, the
8 unit shall treat fairly and equally with respect to discussions all responsible service
9 providers who have submitted expressions of interest.

10 [(d)] (E) After obtaining any approval required by law, the unit may award a
11 procurement contract if the head of the unit determines, on the basis of continuing
12 discussions or past program experience, that an award will serve the best interests of
13 the State.

14 [(e)] (F) A unit shall publish in the Contract Weekly notice of a procurement
15 contract awarded under this section.

16 13-204.

17 (a) (1) By regulation, each of the primary procurement units may provide
18 for the prequalification of persons as prospective responsible bidders or offerors for
19 procurements other than leases of real property.

20 (2) Each of the primary procurement units shall keep a register of all
21 prequalified persons.

22 (3) PERSONS PREQUALIFIED AS PROSPECTIVE RESPONSIBLE BIDDERS
23 OR OFFERORS BY A PRIMARY PROCUREMENT UNIT FOR PROCUREMENTS OF DIRECT
24 OR INDIRECT WORK-RELATED SERVICES SHALL BE DEEMED TO BE PREQUALIFIED
25 FOR THE PURPOSES OF PROCUREMENTS BY THE DEPARTMENT OF HUMAN
26 RESOURCES OF DIRECT OR INDIRECT WORK-RELATED SERVICES TO BENEFIT
27 CURRENT RECIPIENTS, FORMER RECIPIENTS OR NON-CUSTODIAL PARENTS OF
28 CHILDREN WHO ARE CURRENT OR FORMER RECIPIENTS OF FAMILY INVESTMENT
29 PROGRAM BENEFITS.

30 (b) If a primary procurement unit OR THE DEPARTMENT OF HUMAN
31 RESOURCES uses a prequalification procedure for awarding a procurement contract:

32 (1) a person who is not prequalified may submit a bid or proposal; and

33 (2) after bid opening or receipt of proposals and before awarding the
34 procurement contract, a procurement officer may determine that:

35 (i) a person who was not prequalified at the time of bid opening or
36 receipt of proposals is a responsible bidder or offeror; or

37 (ii) a prequalified person is not a responsible bidder or offeror.

1 13-224.

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

3 (2) "Department" means the Department of Human Resources.

4 (3) "Eligible contract" means a procurement contract designated by the
5 Board as appropriate for the execution of a hiring agreement.

6 (4) "FIP" means the Family Investment Program established under
7 Article 88A of the Code.

8 (5) "Hiring agreement" means an agreement entered into by the
9 Department or a local department and an entity doing business with the State under
10 which the Department or the local department and the entity agree to work
11 cooperatively in endeavoring to identify and hire FIP recipients to fill [entry-level]
12 job openings of the entity.

13 (6) "Local department" means a local department of social services in a
14 county or in Baltimore City created or continued under the provisions of Article 88A,
15 § 13 of the Code.

16 (b) On or before October 1, 1998, the Board, in consultation with the
17 Department, shall designate the types of procurement contracts that are eligible
18 contracts.

19 (c) (1) On or before December 1, 1998, the Department shall develop a
20 model hiring agreement form that shall be completed by the Department or a local
21 department and an entity in conjunction with the award of an eligible contract.

22 (2) The model hiring agreement form shall include the following
23 provisions:

24 (i) the entity will:

25 1. inform the Department or the local department, as
26 appropriate, of all of the entity's [entry-level] job openings;

27 2. declare the Department or the local department, as
28 appropriate, its "first source" in identifying and hiring candidates to fill those
29 [entry-level] job openings;

30 3. work cooperatively with the Department or the local
31 department, as appropriate, to develop any necessary training programs that will
32 enable FIP recipients in qualifying for and securing the [entry-level] positions;

33 4. give first preference and first consideration to the extent
34 permitted by law and any existing labor agreements to candidates referred to the
35 entity by the Department or the local department, as appropriate;

1 5. agree to give candidates referred to the entity by the
2 Department or the local department, as appropriate, priority in the filling of [an
3 entry-level] A JOB opening if the candidate meets the qualifications of the position;

4 6. provide the Department or the local department, as
5 appropriate, with information on the disposition of all referrals made by the
6 Department or the local department, as appropriate, including an explanation of why
7 any such candidate was not hired or considered qualified;

8 7. provide the Department or the local department, as
9 appropriate, with information regarding the progress and employment status of those
10 candidates referred by the Department or the local department, as appropriate, that
11 the entity hired; and

12 8. designate a specific individual that the Department or the
13 local department, as appropriate, may contact in regard to the provisions of the hiring
14 agreement; and

15 (ii) the Department or the local department, as appropriate, will
16 assign an account representative to the entity who will:

17 1. receive and process all of the entity's job notifications;

18 2. refer only screened and qualified candidates to the entity;

19 3. assist in the development of any mutually agreed upon
20 training programs, internship programs, or both that will better prepare FIP
21 recipients for employment with the entity;

22 4. arrange follow-up and post-hire transitional/supportive
23 services, such as child care and transportation, as necessary and appropriate; and

24 5. review and evaluate the effectiveness of the hiring
25 agreement with the entity and make modifications in the agreement as necessary and
26 appropriate.

27 (d) Each year, the Department and any local departments that have entered
28 into hiring agreements shall submit a report to the Board, the Joint Committee on
29 Welfare Reform, and, subject to § 2-1246 of the State Government Article, the
30 General Assembly on:

31 (1) the number of hiring agreements executed;

32 (2) the number of FIP recipients hired by an entity with which a hiring
33 agreement was executed; and

34 (3) the effectiveness of each hiring agreement in obtaining employment
35 for FIP recipients.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Human
2 Resources shall report, subject to § 2-1246 of the State Government Article, to the
3 Senate Finance Committee and the House Appropriations Committee of the General
4 Assembly on or before November 1, 2000, on the Secretary's efforts, under Article 88A,
5 § 46(b)(1) of the Code as enacted by this Act, to develop a plan for recruiting and
6 hiring welfare recipients into local government jobs.

7 The Secretary's report shall be made with the cooperation and input of the
8 Maryland Association of Counties and the Maryland Municipal League.

9 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretaries of Human
10 Resources and Health and Mental Hygiene shall report on or before September 1,
11 2000 to the General Assembly, subject to § 2-1246 of the State Government Article, on
12 the progress of the implementation plan for placing an addictions specialist in each
13 local department of social services as provided for in Article 88A, § 50A of the Code.

14 SECTION 4. AND BE IT FURTHER ENACTED, That the Secretaries of Human
15 Resources and Health and Mental Hygiene shall ensure appropriate treatment is
16 available on demand for those individuals affected by the provisions of Article 88A, §
17 65 of the Code.

18 SECTION 5. AND BE IT FURTHER ENACTED, That the Secretary of Human
19 Resources, in consultation with the Secretary of Health and Mental Hygiene, shall
20 report to the General Assembly, in accordance with § 2-1246 of the State Government
21 Article, on or before October 1, 2001, and annually thereafter, on the effects of the
22 waiver and the testing requirements, including the number of individuals affected, as
23 provided for in Article 88A, § 65A of the Code.

24 SECTION 6. AND BE IT FURTHER ENACTED, That the changes to § 13-106
25 of the State Finance and Procurement Article, as enacted under Section 1 of this Act,
26 shall remain effective for a period of 1 year and, at the end of June 30, 2001, with no
27 further action required by the General Assembly, the changes to § 13-106 of the State
28 Finance and Procurement Article as enacted under Section 1 of this Act shall be
29 abrogated and of no further force and effect.

30 SECTION 7. AND BE IT FURTHER ENACTED, That the Secretary of Human
31 Resources, on or before January 1, 2001, shall report on the effectiveness of the
32 provisions under § 13-106 of the State Finance and Procurement Article, subject to §
33 2-1246 of the State Government Article, to the Senate Finance Committee and House
34 Appropriations Committee of the General Assembly.

35 SECTION 8. AND BE IT FURTHER ENACTED, That the Secretary of Human
36 Resources, on or before October 1, 2000, shall report to the Appropriations and Budget
37 and Taxation Committees, subject to § 2-1246 of the State Government Article, on the
38 feasibility of creating a centralized procurement assistance unit within the
39 Department of Human Resources.

40 SECTION 3- 9. AND BE IT FURTHER ENACTED, That this Act shall take
41 effect July 1, 2000.

