Unofficial Copy P1

2000 Regular Session 0lr3086

By: Senators Madden, Bromwell, Currie, Exum, and Kelley

Introduced and read first time: March 2, 2000

Assigned to: Rules

A BILL ENTITLED

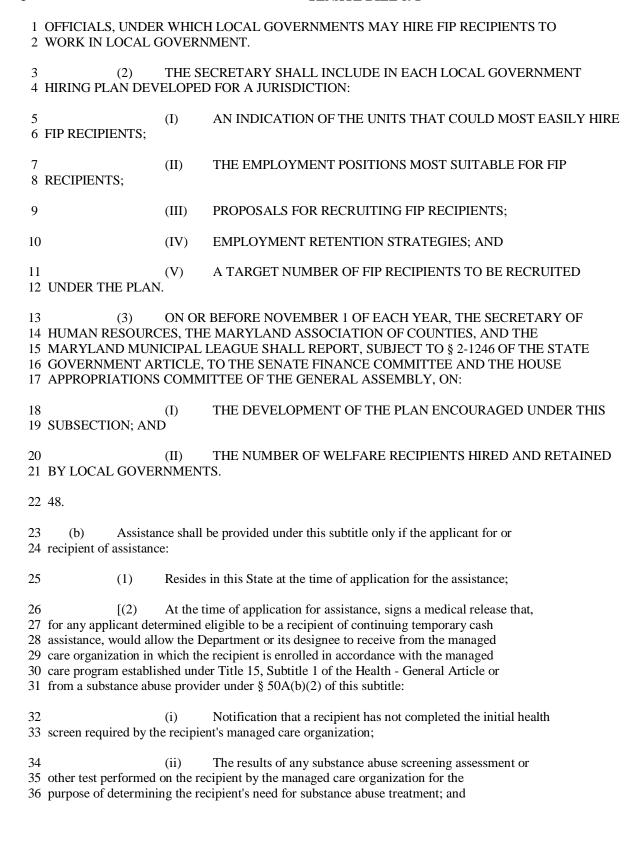
1 AN ACT concerning

#### 2 Welfare Innovation Act for the Year 2000

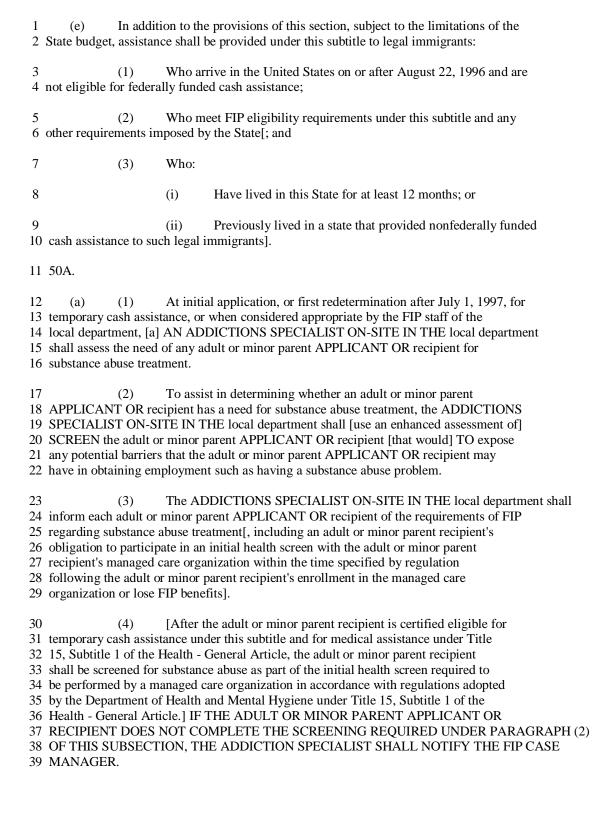
3 FOR the purpose of authorizing the Secretary of Human Resources to establish a

- 4 certain number of demonstration sites under the Family Investment Program;
- 5 requiring the Secretary to appoint a director of each demonstration site;
- 6 granting the Secretary certain authority in a demonstration site; requiring that
- 7 employees hired at a demonstration site be placed in the management service or
- 8 in special appointments in the State Personnel Management System; providing
- 9 for an exception to that placement for a limited period; requiring the Secretary
- 10 to establish a performance incentive program to pay employees in a
- demonstration site; providing for certain statutory construction; altering the
- model hiring agreement used by the Secretary under the Program to allow
- priority hiring to positions that are not entry-level positions; requiring the
- Secretary to work with local governments in developing a plan to work with
- local governments in recruiting and hiring Program recipients into local
- government positions; providing for the contents of the local plans; requiring the
- 17 Secretary to report on these efforts to certain committees of the General
- Assembly annually; altering provisions of law relating to the screening of adult
- or minor parent Program applicants or recipients for substance abuse, the
- referral of those individuals for substance abuse treatment, and notice which
- 21 must be given relating to substance abuse and substance abuse treatment;
- 22 repealing certain provisions of law regarding the Program eligibility of certain
- 23 legal immigrants; altering certain provisions of law relating to the termination
- 24 of temporary cash assistance benefits for an applicant or recipient who fails to
- comply with an initial screening; altering certain provisions of law relating to
- substance abuse identification forms and treatment forms used under the
- 27 Program; defining a certain term; and generally relating to improving the level
- 28 of jobs and access to those jobs for Family Investment Program recipients
- 29 through demonstration programs, limitations on cash assistance payments, and
- 30 substance abuse screening and treatment under the Family Investment
- 31 Program.
- 32 BY repealing and reenacting, with amendments,
- 33 Article 88A Department of Human Resources
- 34 Section 46, 48(b) through (e), and 50A

1 2	Annotated Code of Maryland (1998 Replacement Volume and 1999 Supplement)
3 4 5 6 7	BY adding to Article 88A - Department of Human Resources Section 55 Annotated Code of Maryland (1998 Replacement Volume and 1999 Supplement)
8 9 10 11 12	BY repealing and reenacting, with amendments, Article - State Finance and Procurement Section 13-224 Annotated Code of Maryland (1995 Replacement Volume and 1999 Supplement)
13 14 15	BY repealing and reenacting, with amendments, Chapter 593 of the Acts of the General Assembly of 1997 Section 14
16 17 18	BY repealing Chapter 593 of the Acts of the General Assembly of 1997 Section 15
19 20	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:
21	Article 88A - Department of Human Resources
22	46.
23	(A) The Secretary shall:
24 25	(1) Establish and implement a FIP that meets the requirements of this subtitle and of federal law;
26 27	(2) Supervise the administration of the FIP under this subtitle by local departments;
28 29	(3) Cooperate with the federal government in matters of mutual concern pertaining to federal funding for the FIP; and
30 31	(4) Adopt regulations necessary or desirable to carry out the provisions of this subtitle.
32 33	(B) (1) THE SECRETARY OF HUMAN RESOURCES SHALL DEVELOP AND IMPLEMENT A PLAN, WORKING WITH APPROPRIATE LOCAL GOVERNMENT



1 2	treatment or change in		The results of any recipient's referral to substance abuse at status as required by § 50A(b)(2) of this subtitle;
	(3)] appropriate local child assistance; and	(2) I support	(i) Has applied for child support services with the enforcement office at the time of application for the
6 7	enforcement office;	(ii)	Complies with the requirements of the local child support
8 9	[(4)] Department;	(3)	Has engaged in job search activities as requested by the
			Participates in work activity under this subtitle, unless exempt the Secretary which shall include the following groups of
13 14	under age 1;	(i)	Adults who are required to care for a child who is a recipient
15 16	are recipients and wh	(ii) o are seve	Subject to subsection (c) of this section, adults and children who erely disabled; and
17 18		(iii) in schoo	Subject to subsection (c) of this section, children 16 years of age and who are severely disabled; and
19 20	[(6)] by regulation.	(5)	Meets all other FIP requirements that the Secretary establishes
21 22			y not be exempt as severely disabled under subsection or more than 12 months unless:
23	(1)	That ind	ividual applies for Supplemental Security Income; and
24	(2)	The appl	lication is approved, pending, or in the appeal stage.
25 26	1 /		provisions of this section, subject to the limitations of the provided under this subtitle to legal immigrants:
27	(1)	Who arri	ived in the United States before August 22, 1996; AND
28 29	(2) other requirements in		et FIP eligibility requirements under this subtitle and any the State[; and
30	(3)	Who:	
31		(i)	Have lived in this State for at least 12 months; or
32 33		(ii) cash assis	Previously lived in a state that provided federally or tance to such legal immigrants].



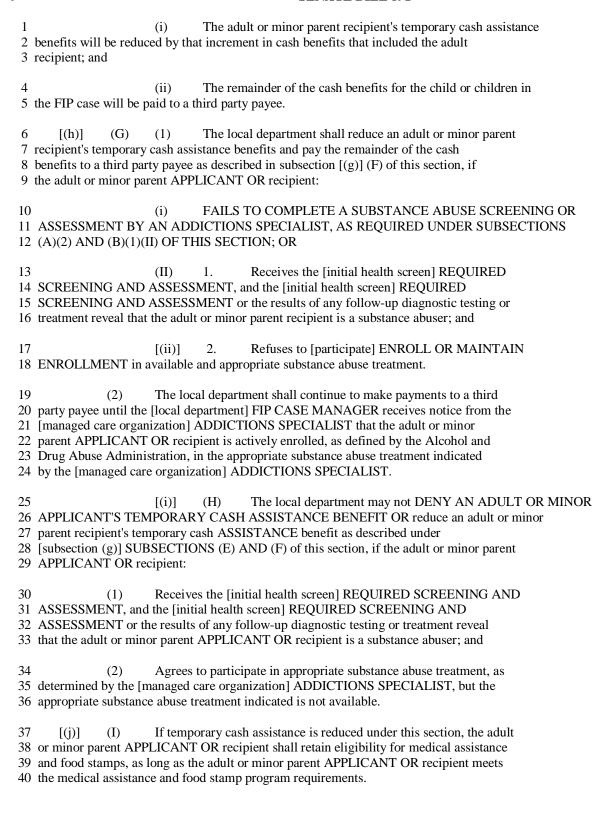
6

	[(5) The managed care organization shall notify the local department if the adult or minor parent recipient has not completed the initial health screen required by the adult or minor parent recipient's managed care organization.]
6 7	(b) (1) If the [initial health screen or any follow-up diagnostic testing or treatment performed by a managed care organization or direct provider of services] SCREEN PERFORMED BY THE ADDICTIONS SPECIALIST reveals that an adult or minor parent APPLICANT OR recipient has a substance abuse problem, the [managed care organization or direct provider of services] ADDICTIONS SPECIALIST shall:
	(i) [Refer] CONDUCT AN ASSESSMENT OF SUBSTANCE ABUSE BY AN ADULT OR MINOR PARENT APPLICANT OR RECIPIENT AND, IF APPROPRIATE, DETERMINE PLACEMENT FOR TREATMENT AND RELATED SUPPORTIVE SERVICES;
12 13	(II) REFER the adult or minor parent APPLICANT OR recipient for appropriate substance abuse treatment AND RELATED SUPPORTIVE SERVICES; [and
14 15	(ii) Complete and submit to the local department the substance abuse identification form required by regulations developed by the Secretary]
	(III) OBTAIN THE SIGNATURE OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT ON A FORM CONSENTING TO THE RELEASE OF CONFIDENTIAL ALCOHOL AND DRUG TREATMENT INFORMATION; AND
19 20	(IV) FORWARD THE CONSENT FORM TO THE APPROPRIATE SUBSTANCE ABUSE TREATMENT PROVIDER.
	(2) (i) The substance abuse TREATMENT provider shall notify the ADDICTIONS SPECIALIST IN THE local department OF THE ONGOING TREATMENT STATUS OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT.
24 25	(II) THE ADDICTIONS SPECIALIST SHALL NOTIFY THE FIP CASE MANAGER:
26 27	1. [that] THAT an adult or minor parent APPLICANT OR recipient has been referred for appropriate substance abuse treatment; AND
28 29	2. REGARDING THE STATUS OF THE ONGOING TREATMENT OF THE ADULT OR MINOR PARENT APPLICANT OR RECIPIENT.
32 33 34	[(ii)] (III) [As part of its] TO PROVIDE THE notification REQUIRED under subparagraph [(i)] (II) of this paragraph, the [substance abuse provider] ADDICTIONS SPECIALIST shall FORWARD CONSENT FOR THE RELEASE OF THE INFORMATION TO THE SUBSTANCE ABUSE TREATMENT PROVIDER, OBTAIN THE NECESSARY TREATMENT INFORMATION FROM THE TREATMENT PROVIDER, AND notify the local department if the adult or minor parent APPLICANT OR recipient:
36 37	1. [Is not actively enrolled in a substance abuse treatment program as defined by the Alcohol and Drug Abuse Administration] FAILS TO

 $1\ \ COMPLETE\ THE\ ASSESSMENT\ REQUIRED\ UNDER\ PARAGRAPH\ (1)\ OF\ THIS$ 

2. FAILS TO SIGN THE CONSENT FORM REQUIRED UND 4 PARAGRAPH (1)(II) OF THIS SUBSECTION;  5 3. FAILS TO ENROLL OR MAINTAIN ENROLLMENT WITH 6 AVAILABLE SUBSTANCE TREATMENT PROVIDER OR TO COMPLETE THE TREATMENT 7 PROTOCOL;  8 [2.] 4. Is awaiting the availability of appropriate treatment;  9 5. IS ENROLLED IN A TREATMENT PROGRAM; or  10 [3.] 6. [Has successfully completed the] SUCCESSFULLY 11 COMPLETES treatment.	
6 AVAILABLE SUBSTANCE TREATMENT PROVIDER OR TO COMPLETE THE TREATMENT 7 PROTOCOL;  8 [2.] 4. Is awaiting the availability of appropriate treatment;  9 5. IS ENROLLED IN A TREATMENT PROGRAM; or  10 [3.] 6. [Has successfully completed the] SUCCESSFULLY	DER
<ul> <li>IS ENROLLED IN A TREATMENT PROGRAM; or</li> <li>[3.] 6. [Has successfully completed the] SUCCESSFULLY</li> </ul>	
[3.] 6. [Has successfully completed the] SUCCESSFULLY	;
	Y
(c) [A] AN ADULT OR MINOR PARENT APPLICANT OR recipient who complies with the requirements of the FIP in regard to substance abuse treatment:	
14 (1) Shall receive the full temporary cash assistance benefit as long as the adult or minor parent APPLICANT OR recipient continues to meet other temporary cash assistance eligibility requirements; and	
May be exempt from the work requirements for a period of time determined by the [local department] FIP CASE MANAGER in consultation with the [substance abuse treatment provider or the managed care organization] ADDICTIONS SPECIALIST.	
(d) An adult or minor parent APPLICANT OR recipient shall be considered not in compliance with FIP requirements, if the [local department] FIP CASE MANAGER receives notice from the [managed care organization] ADDICTIONS SPECIALIST that the adult or minor parent APPLICANT OR recipient:	
(1) [Has not completed the initial health screen required by the adult or minor parent recipient's managed care organization in accordance with regulations adopted by the Department of Health and Mental Hygiene under Title 15, Subtitle 1 of the Health - General Article; or] DOES NOT COMPLETE THE SCREENING OR ASSESSMENT REQUIRED UNDER SUBSECTIONS (A)(2) AND (B)(1)(I) OF THIS SECTION;	
[Was referred for appropriate substance abuse treatment by the managed care organization, but the adult or minor parent recipient failed to maintain active enrollment, as defined by the Alcohol and Drug Abuse Administration, in the treatment program or complete the treatment protocol] DOES NOT SIGN THE CONSENT FORM REQUIRED UNDER SUBSECTION (B)(1)(II) OF THIS SECTION; OR	
IS REFERRED FOR APPROPRIATE AND AVAILABLE SUBSTANCE 36 ABUSE TREATMENT BY THE ADDICTIONS SPECIALIST BUT FAILS TO ENROLL OR TO 37 MAINTAIN ACTIVE ENROLLMENT IN THE TREATMENT PROGRAM OR COMPLETE THE 38 TREATMENT PROTOCOL.	3

	[(e) After receiving the notice under subsection (d)(1) of this section, the local department shall send a notice to the adult or minor parent recipient informing the adult or minor parent recipient that:
	(1) The adult or minor parent recipient is not in compliance with FIP requirements, including the specific reason why the adult or minor parent recipient is considered not in compliance with FIP requirements; and
	(2) 30 days after the date of the notice, the adult or minor parent recipient's temporary cash assistance benefits will be reduced by that increment in cash benefits that included the adult or minor parent recipient.]
10 11	(E) AFTER RECEIVING A NOTICE UNDER SUBSECTION (D) OF THIS SECTION, THE LOCAL DEPARTMENT SHALL:
12 13	(1) SEND A DENIAL NOTICE TO THE ADULT OR MINOR PARENT APPLICANT INFORMING THE APPLICANT THAT:
14 15	(I) THE APPLICANT HAS NOT MET PROGRAM REQUIREMENTS, INCLUDING THE SPECIFIC REASON THE APPLICANT IS NOT ELIGIBLE FOR FIP; AND
	(II) IF THE APPLICANT FAILS TO FULFILL THE REQUIREMENTS ON OR BEFORE THE 30TH WORK DAY AFTER THE APPLICATION WAS FILED, THE APPLICATION FOR TEMPORARY CASH ASSISTANCE IS DENIED; AND
19 20	(2) SEPARATELY DETERMINE ELIGIBILITY FOR MEDICAL ASSISTANCE AND FOOD STAMPS.
23	[(f) (1) The local department shall reduce an adult or minor parent recipient's temporary cash assistance benefits as described in subsection (e) of this section, if the adult or minor parent recipient has not completed the initial health screen required by the adult or minor parent recipient's managed care organization.
27 28	(2) The local department shall continue to make these reduced payments to the adult or minor parent recipient until the local department receives notice from the managed care organization that the adult or minor parent recipient has completed the initial health screen required by the adult or minor parent recipient's managed care organization.]
	[(g)] (F) After receiving [the] A notice under subsection [(d)(2)] (D) of this section, the local department shall send a notice to the adult or minor parent APPLICANT OR recipient informing the adult or minor parent recipient that:
	(1) The adult or minor parent recipient is not in compliance with FIP requirements, including the specific reasons why the adult or minor parent recipient is considered not in compliance with FIP requirements; and
36	(2) 30 days after the date of the notice:



- 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 JURISDICTION, BUT NOT EXCEEDING SIX JURISDICTIONS.
- 7 (C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY
- 8 SHALL APPOINT A DIRECTOR OF THE DEMONSTRATION SITE WHO SHALL REPORT
- 9 DIRECTLY TO THE EXECUTIVE DIRECTOR OF THE FAMILY INVESTMENT
- 10 ADMINISTRATION OF THE DEPARTMENT.
- 11 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SECRETARY
- 12 SHALL HAVE SOLE AUTHORITY OVER FIP FUNCTIONS IN A DEMONSTRATION SITE,
- 13 INCLUDING THE AUTHORITY TO:
- 14 (1) ASSIST FAMILIES ON WELFARE THAT HAVE AN EMPLOYABLE
- 15 PARENT TOWARD A LASTING TERMINATION OF PARTICIPATION IN THE TEMPORARY
- 16 CASH ASSISTANCE PROGRAM;
- 17 (2) ENSURE THAT INDIVIDUALS AND FAMILIES RECEIVE APPROPRIATE
- 18 BENEFITS:
- 19 (3) REDUCE ERRORS IN THE ADMINISTRATION OF FIP;
- 20 (4) PLACE TEMPORARY CASH ASSISTANCE RECIPIENTS IN EMPLOYMENT
- 21 IN WHICH THEIR EARNINGS WILL LIKELY INCREASE; AND
- 22 (5) IMPROVE THE TYPES OF EMPLOYMENT OF EXISTING AND FORMER
- 23 WELFARE RECIPIENTS AND THE EMPLOYMENT RETENTION RATES OF THOSE
- 24 RECIPIENTS.
- 25 (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND
- 26 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL EMPLOYEES HIRED IN A
- 27 DEMONSTRATION SITE AFTER ITS DESIGNATION AS A DEMONSTRATION SITE SHALL
- 28 BE PLACED IN THE MANAGEMENT SERVICE OR IN SPECIAL APPOINTMENTS IN THE
- 29 STATE PERSONNEL MANAGEMENT SYSTEM.
- 30 (2) (I) IF A POSITION IN A DEMONSTRATION SITE IS HELD BY A
- 31 SKILLED SERVICE OR PROFESSIONAL SERVICE EMPLOYEE PRIOR TO THE
- 32 DESIGNATION OF THE DEMONSTRATION SITE, THE POSITION SHALL REMAIN A
- 33 SKILLED SERVICE OR PROFESSIONAL SERVICE POSITION OR ITS EQUIVALENT IN THE
- 34 STATE PERSONNEL MANAGEMENT SYSTEM UNTIL THE POSITION BECOMES VACANT.
- 35 (II) AFTER A SKILLED SERVICE OR PROFESSIONAL SERVICE
- 36 POSITION IN A DEMONSTRATION SITE BECOMES VACANT, THE POSITION SHALL
- 37 BECOME A MANAGEMENT SERVICE OR SPECIAL APPOINTMENTS POSITION.

	(F) THE SECRETARY SHALL ESTABLISH A PERFORMANCE INCENTIVE PROGRAM TO PROVIDE PAY INCENTIVES FOR EMPLOYEES IN A DEMONSTRATION SITE.
4 5	(G) THE SECRETARY'S POWERS UNDER THIS SECTION SHALL BE GIVEN A LIBERAL CONSTRUCTION.
6	<b>Article - State Finance and Procurement</b>
7	13-224.
8	(a) (1) In this section the following words have the meanings indicated.
9	(2) "Department" means the Department of Human Resources.
10 11	(3) "Eligible contract" means a procurement contract designated by the Board as appropriate for the execution of a hiring agreement.
12 13	(4) "FIP" means the Family Investment Program established under Article 88A of the Code.
16 17	(5) "Hiring agreement" means an agreement entered into by the Department or a local department and an entity doing business with the State under which the Department or the local department and the entity agree to work cooperatively in endeavoring to identify and hire FIP recipients to fill [entry-level] job openings of the entity.
	(6) "Local department" means a local department of social services in a county or in Baltimore City created or continued under the provisions of Article 88A, § 13 of the Code.
	(b) On or before October 1, 1998, the Board, in consultation with the Department, shall designate the types of procurement contracts that are eligible contracts.
	(c) (1) On or before December 1, 1998, the Department shall develop a model hiring agreement form that shall be completed by the Department or a local department and an entity in conjunction with the award of an eligible contract.
28 29	(2) The model hiring agreement form shall include the following provisions:
30	(i) the entity will:
31 32	1. inform the Department or the local department, as appropriate, of all of the entity's [entry-level] job openings;
	2. declare the Department or the local department, as appropriate, its "first source" in identifying and hiring candidates to fill those [entry-level] job openings;

	3. work cooperatively with the Department or the local department, as appropriate, to develop any necessary training programs that will enable FIP recipients in qualifying for and securing the [entry-level] positions;
	4. give first preference and first consideration to the extent permitted by law and any existing labor agreements to candidates referred to the entity by the Department or the local department, as appropriate;
	5. agree to give candidates referred to the entity by the Department or the local department, as appropriate, priority in the filling of [an entry-level] A JOB opening if the candidate meets the qualifications of the position;
12	6. provide the Department or the local department, as appropriate, with information on the disposition of all referrals made by the Department or the local department, as appropriate, including an explanation of why any such candidate was not hired or considered qualified;
16	7. provide the Department or the local department, as appropriate, with information regarding the progress and employment status of those candidates referred by the Department or the local department, as appropriate, that the entity hired; and
	8. designate a specific individual that the Department or the local department, as appropriate, may contact in regard to the provisions of the hiring agreement; and
21 22	(ii) the Department or the local department, as appropriate, will assign an account representative to the entity who will:
23	1. receive and process all of the entity's job notifications;
24	2. refer only screened and qualified candidates to the entity
	3. assist in the development of any mutually agreed upon training programs, internship programs, or both that will better prepare FIP recipients for employment with the entity;
28 29	4. arrange follow-up and post-hire transitional/supportive services, such as child care and transportation, as necessary and appropriate; and
	5. review and evaluate the effectiveness of the hiring agreement with the entity and make modifications in the agreement as necessary and appropriate.
35	(d) Each year, the Department and any local departments that have entered into hiring agreements shall submit a report to the Board, the Joint Committee on Welfare Reform, and, subject to § 2-1246 of the State Government Article, the General Assembly on:
37	(1) the number of hiring agreements executed;

5

#### **SENATE BILL 891**

- 1 (2) the number of FIP recipients hired by an entity with which a hiring 2 agreement was executed; and
- 3 (3) the effectiveness of each hiring agreement in obtaining employment 4 for FIP recipients.

#### Chapter 593 of the Acts of 1997

- 6 SECTION 14. AND BE IT FURTHER ENACTED, That the Department of
- 7 Human Resources, [in consultation with participating providers, including managed
- 8 care organizations] shall develop for use by ADDICTIONS SPECIALISTS AND
- 9 appropriate providers a standard substance abuse identification form and a
- 10 substance abuse treatment form for the reporting of [provider] ADDICTION
- 11 SPECIALISTS' identification and PROVIDERS' treatment of substance abuse by adult
- 12 and minor parent APPLICANTS AND recipients to the appropriate local department of
- 13 social services.
- 14 [SECTION 15. AND BE IT FURTHER ENACTED, That a participating
- 15 managed care organization shall provide a copy of the substance abuse identification
- 16 form and substance abuse treatment form to a participating provider at the outset of
- 17 the participating provider agreement.]
- 18 SECTION 2. AND BE IT FURTHER ENACTED, That the Secretary of Human
- 19 Resources shall report, subject to § 2-1246 of the State Government Article, to the
- 20 Senate Finance Committee and the House Appropriations Committee of the General
- 21 Assembly on or before November 1, 2000, on the Secretary's efforts, under Article 88A,
- 22 § 46(b)(1) of the Code as enacted by this Act, to develop a plan for recruiting and
- 23 hiring welfare recipients into local government jobs. The Secretary's report shall be
- 24 made with the cooperation and input of the Maryland Association of Counties and the
- 25 Maryland Municipal League.
- 26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect 27 July 1, 2000.