
By: **Delegates Sophocleus, Anderson, Cadden, Carter, Conroy, C. Davis, Dumais, Dwyer, Frush, Gilleland, Jameson, Jennings, Kelley, Kelly, Lee, Leopold, Love, Mayer, McComas, Menes, Minnick, Moe, Niemann, Parker, Petzold, Quinter, Ramirez, Rosenberg, Shewell, Simmons, Smigiel, F. Turner, Vallario, and Zirkin**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Catastrophic Illness in Children Relief Commission**

3 FOR the purpose of establishing the Catastrophic Illness in Children Relief
 4 Commission in the Department of Health and Mental Hygiene; providing for the
 5 membership of the Commission; providing for the terms, reappointment, and
 6 removal of members of the Commission; authorizing the members of the
 7 Commission to elect a certain chair; providing that a majority of the authorized
 8 membership of the Commission is a quorum; providing that members of the
 9 Commission may not receive certain compensation but are entitled to a certain
 10 reimbursement; providing for the duties of the Commission; providing that
 11 certain children are eligible to apply for and receive certain financial assistance
 12 from the Commission; establishing a Catastrophic Illness in Children Relief
 13 Fund; providing that the Fund shall consist of certain money transferred to the
 14 Fund from a certain birth certificate surcharge; providing that moneys in the
 15 Fund shall be used for a certain purpose; providing that the Fund is continuing
 16 and nonlapsing; requiring the State Treasurer to hold the Fund; requiring the
 17 Comptroller to account for the Fund; requiring the chair of the Commission to
 18 administer the Fund; providing that unspent portions of the Fund shall remain
 19 in the Fund for a certain purpose; requiring the Legislative Auditor to conduct a
 20 certain audit of the Fund; requiring the Commission to make a certain report, on
 21 or before a certain date of each year, to the Governor and the General Assembly;
 22 requiring the Department and local health departments issuing certain birth
 23 certificates to collect a certain surcharge of a certain amount; specifying the
 24 terms of the initial members of the Commission; defining certain terms; and
 25 generally relating to the Catastrophic Illness in Children Relief Commission.

26 BY repealing and reenacting, with amendments,
 27 Article - Health - General
 28 Section 4-217(c)
 29 Annotated Code of Maryland
 30 (2000 Replacement Volume and 2004 Supplement)

1 BY adding to
2 Article - Health - General
3 Section 13-2101 through 13-2108, inclusive, to be under the new subtitle
4 "Subtitle 21. Catastrophic Illness in Children Relief Commission"
5 Annotated Code of Maryland
6 (2000 Replacement Volume and 2004 Supplement)

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

9 **Article - Health - General**

10 4-217.

11 (c) (1) Except as otherwise provided by law, the Department shall collect a
12 \$12 fee:

13 (i) For each certified or abridged copy of a birth, death, fetal death,
14 marriage, or divorce verification certificate;

15 (ii) For a report that a search of the files was made and the
16 requested record is not on file;

17 (iii) For each change to a certificate made later than one year after
18 the certificate has been registered with the Department; or

19 (iv) To process an adoption, foreign adoption, or legitimation.

20 (2) From the fee the Department collects under paragraph (1) of this
21 subsection, the Department shall transfer the entire fee to the General Fund.

22 (3) (i) Any local health department may set and collect a fee for
23 processing and issuing a birth certificate, or for a report that a search of the files was
24 made and the requested record is not on file, that covers:

25 1. The administrative costs of providing this service; and

26 2. The requirements of subparagraph (iii) of this paragraph.

27 (ii) The fee set by the local health department for processing and
28 issuing a birth certificate or for a report under subparagraph (i) of this paragraph
29 may not exceed the actual costs to the local health department for processing and
30 issuing a birth certificate or a report.

31 (iii) From the fee the local health department collects under
32 subparagraph (i) of this paragraph, \$10 shall be transferred to the General Fund.

33 (iv) Prior to setting and collecting a fee for processing and issuing a
34 birth certificate or for a report under subparagraph (i) of this paragraph, the local

1 health department shall enter into a memorandum of understanding with the
2 Department of Health and Mental Hygiene that outlines the local health
3 department's fee structure.

4 (4) IN ADDITION TO THE FEE COLLECTED BY THE DEPARTMENT OR A
5 LOCAL HEALTH DEPARTMENT FOR ISSUING A COPY OF A BIRTH CERTIFICATE, THE
6 DEPARTMENT OR LOCAL HEALTH DEPARTMENT SHALL COLLECT A SURCHARGE OF
7 \$1 FOR EACH COPY OF A BIRTH CERTIFICATE.

8 [(4)] (5) The Department or a local health department may collect a fee
9 for a certificate requested by an agency of the State or any of its political subdivisions.

10 [(5)] (6) The Secretary may waive all or part of a fee if chargeable to an
11 agency of the United States.

12 [(6)] (7) The Department may not collect a fee for a copy of a vital record
13 issued to:

14 (i) A current or former member of the armed forces of the United
15 States; or

16 (ii) The surviving spouse or child of the member, if the copy will be
17 used in connection with a claim for a dependent or beneficiary of the member.

18 SUBTITLE 21. CATASTROPHIC ILLNESS IN CHILDREN RELIEF COMMISSION.

19 13-2101.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
21 INDICATED.

22 (B) "CATASTROPHIC ILLNESS" MEANS AN ILLNESS OR CONDITION, OF WHICH
23 THE MEDICAL EXPENSES ARE NOT COVERED BY ANY OTHER FEDERAL OR STATE
24 PROGRAM OR ANY INSURANCE CONTRACT AND EXCEED 30% OF THE INCOME OF A
25 FAMILY WHOSE INCOME IS \$100,000 OR LESS PER YEAR OR 40% OF THE INCOME OF A
26 FAMILY WHOSE INCOME IS IN EXCESS OF \$100,000 PER YEAR.

27 (C) "CHILD" MEANS AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS.

28 (D) "COMMISSION" MEANS THE CATASTROPHIC ILLNESS IN CHILDREN RELIEF
29 COMMISSION.

30 (E) "FUND" MEANS THE CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND.

31 (F) "INCOME" MEANS ALL INCOME FROM ANY SOURCE THAT IS ACTUALLY
32 RECEIVED BY A FAMILY.

33 (G) "RESIDENT" MEANS AN INDIVIDUAL LEGALLY DOMICILED WITHIN THE
34 STATE FOR A PERIOD OF 6 MONTHS IMMEDIATELY PRECEDING THE DATE OF

1 APPLICATION FOR ASSISTANCE FROM THE CATASTROPHIC ILLNESS IN CHILDREN
2 RELIEF COMMISSION.

3 13-2102.

4 THERE IS A CATASTROPHIC ILLNESS IN CHILDREN RELIEF COMMISSION IN THE
5 DEPARTMENT.

6 13-2103.

7 (A) (1) THE COMMISSION CONSISTS OF THE FOLLOWING 15 MEMBERS:

8 (I) AS EX OFFICIO MEMBERS:

9 1. THE SECRETARY OR THE SECRETARY'S DESIGNEE;

10 2. THE SECRETARY OF HUMAN RESOURCES OR THE
11 SECRETARY'S DESIGNEE;

12 3. THE MARYLAND INSURANCE COMMISSIONER OR THE
13 COMMISSIONER'S DESIGNEE; AND

14 4. THE STATE TREASURER OR THE TREASURER'S DESIGNEE;

15 (II) ONE MEMBER OF THE SENATE OF MARYLAND, APPOINTED BY
16 THE PRESIDENT OF THE SENATE;

17 (III) ONE MEMBER OF THE MARYLAND HOUSE OF DELEGATES,
18 APPOINTED BY THE SPEAKER OF THE HOUSE OF DELEGATES; AND

19 (IV) NINE PUBLIC MEMBERS APPOINTED BY THE GOVERNOR WITH
20 THE ADVICE AND CONSENT OF THE SENATE OF MARYLAND.

21 (2) OF THE 9 MEMBERS APPOINTED BY THE GOVERNOR, 4 SHALL BE
22 PROVIDERS OF HEALTH CARE SERVICES TO CHILDREN IN THIS STATE.

23 (B) (1) THE TERM OF A MEMBER IS 5 YEARS.

24 (2) THE TERMS OF THE MEMBERS SHALL BE STAGGERED AS REQUIRED
25 BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMISSION ON JULY 1, 2005.

26 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
27 SUCCESSOR IS APPOINTED AND QUALIFIES.

28 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
29 ONLY FOR THE REMAINDER OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED
30 AND QUALIFIES.

31 (5) A MEMBER OF THE COMMISSION IS ELIGIBLE FOR REAPPOINTMENT
32 TO THE COMMISSION.

1 (6) THE GOVERNOR MAY REMOVE A MEMBER OF THE COMMISSION FOR
2 INCOMPETENCE OR MISCONDUCT.

3 13-2104.

4 (A) THE MEMBERS OF THE COMMISSION SHALL ELECT A CHAIR OF THE
5 COMMISSION, WHO SHALL BE ONE OF THE PUBLIC MEMBERS OF THE COMMISSION.

6 (B) A MAJORITY OF THE AUTHORIZED MEMBERSHIP OF THE COMMISSION IS A
7 QUORUM.

8 (C) A MEMBER OF THE COMMISSION:

9 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
10 COMMISSION; BUT

11 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
12 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

13 13-2105.

14 THE COMMISSION SHALL:

15 (1) ESTABLISH AND ADMINISTER A PROGRAM FOR THE
16 REIMBURSEMENT OF MEDICAL EXPENSES OF CHILDREN WITH CATASTROPHIC
17 ILLNESSES;

18 (2) ADMINISTER THE FUND CREATED UNDER § 13-2107 OF THIS
19 SUBTITLE;

20 (3) ESTABLISH PROCEDURES FOR:

21 (I) APPLYING FOR ENROLLMENT IN THE PROGRAM;

22 (II) DETERMINING ELIGIBILITY FOR THE PAYMENT OR
23 REIMBURSEMENT OF OUT-OF-POCKET UNCOVERED MEDICAL EXPENSES FOR EACH
24 CHILD;

25 (III) PROCESSING CLAIMS DISPUTES;

26 (IV) PROVIDING FOR REIMBURSEMENT TO THE FUND BY THE
27 FAMILY FOR THE AMOUNT OF ASSISTANCE RECEIVED, OR THAT PORTION OF
28 ASSISTANCE RECEIVED, THAT WAS COVERED BY THE AMOUNT OF THE DAMAGES
29 LESS THE EXPENSE OF RECOVERY, IN THE CASE OF AN ILLNESS OR CONDITION FOR
30 WHICH THE FAMILY, AFTER RECEIVING ASSISTANCE FROM THE COMMISSION,
31 RECOVERS DAMAGES FOR THE CHILD'S MEDICAL EXPENSES UNDER A SETTLEMENT
32 OR JUDGMENT IN A LEGAL ACTION; AND

33 (V) NEGOTIATING PAYMENT AMOUNTS TO PROVIDERS AND
34 VENDORS ON BEHALF OF THE CHILD;

1 (4) ESTABLISH THE AMOUNT OF REIMBURSEMENT AND THE MAXIMUM
2 REIMBURSEMENT FOR THE OUT-OF-POCKET UNCOVERED MEDICAL EXPENSES OF
3 EACH CHILD USING A SLIDING FEE SCALE, BASED ON A FAMILY'S ABILITY TO PAY
4 FOR MEDICAL EXPENSES, THAT TAKES INTO CONSIDERATION FAMILY SIZE, FAMILY
5 INCOME AND ASSETS, AND FAMILY MEDICAL EXPENSES;

6 (5) ADJUST THE FINANCIAL ELIGIBILITY CRITERIA FOR A
7 CATASTROPHIC ILLNESS BASED ON THE MONEYS AVAILABLE IN THE FUND;

8 (6) DISSEMINATE INFORMATION ON THE FUND AND THE PROGRAM TO
9 THE PUBLIC; AND

10 (7) MAINTAIN CONFIDENTIAL RECORDS ON EACH CHILD WHO APPLIES
11 TO THE COMMISSION FOR FINANCIAL ASSISTANCE.

12 13-2106.

13 (A) A CHILD WITH A CATASTROPHIC ILLNESS WHO IS A RESIDENT OF
14 MARYLAND IS ELIGIBLE, THROUGH THE CHILD'S PARENT OR LEGAL GUARDIAN, TO
15 APPLY FOR ASSISTANCE FROM THE COMMISSION, FOR OUT-OF-POCKET COSTS
16 INCURRED DURING THE PRIOR CONSECUTIVE 12-MONTH PERIOD.

17 (B) A CHILD WITH A CATASTROPHIC ILLNESS IS ELIGIBLE FOR FINANCIAL
18 ASSISTANCE FROM MONEYS IN THE FUND, INCLUDING PAYMENT OR
19 REIMBURSEMENT FOR THE OUT-OF-POCKET COSTS RELATED TO A CHILD'S
20 UNCOVERED MEDICAL TREATMENT, HOSPITAL CARE, DRUGS, NURSING CARE, AND
21 PHYSICIANS SERVICES.

22 13-2107.

23 (A) THERE IS A CATASTROPHIC ILLNESS IN CHILDREN RELIEF FUND.

24 (B) THE FUND SHALL CONSIST OF MONEYS TRANSFERRED TO THE FUND
25 FROM THE BIRTH CERTIFICATE SURCHARGE COLLECTED UNDER § 4-217(C)(4) OF
26 THIS ARTICLE OR RECEIVED FROM ANY OTHER LAWFUL SOURCE.

27 (C) MONEYS IN THE FUND SHALL BE USED TO PROVIDE FINANCIAL
28 ASSISTANCE TO CHILDREN WITH A CATASTROPHIC ILLNESS, INCLUDING PAYMENT
29 OR REIMBURSEMENT FOR THE OUT-OF-POCKET COSTS RELATED TO THE CHILD'S
30 UNCOVERED MEDICAL TREATMENT, HOSPITAL CARE, DRUGS, NURSING CARE, AND
31 PHYSICIANS SERVICES.

32 (D) (1) THE FUND IS A CONTINUING, NONLAPSING FUND THAT IS NOT
33 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

34 (2) THE STATE TREASURER SHALL HOLD THE FUND, AND THE
35 COMPTROLLER SHALL ACCOUNT FOR THE FUND.

36 (3) THE CHAIR OF THE COMMISSION OR THE CHAIR'S DESIGNEE SHALL
37 ADMINISTER THE FUND.

1 (E) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR
2 REVERT TO THE GENERAL FUND, BUT SHALL REMAIN IN THE FUND TO BE USED FOR
3 THE PURPOSE SPECIFIED IN SUBSECTION (C) OF THIS SECTION.

4 (F) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND
5 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT
6 ARTICLE.

7 13-2108.

8 ON OR BEFORE JULY 1 OF EACH YEAR, THE COMMISSION SHALL REPORT TO THE
9 GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE
10 STATE GOVERNMENT ARTICLE, ON:

11 (1) THE NUMBER OF CHILDREN WHO APPLIED TO THE COMMISSION FOR
12 FINANCIAL ASSISTANCE;

13 (2) AVERAGE EXPENDITURES PER CHILD WHO APPLIED;

14 (3) THE NATURE AND TYPE OF CATASTROPHIC ILLNESSES FOR WHICH
15 THE FUND PROVIDED ASSISTANCE;

16 (4) THE AVERAGE INCOME AND EXPENDITURES OF FAMILIES WHO
17 RECEIVED FINANCIAL ASSISTANCE FROM THE FUND; AND

18 (5) ANY RECOMMENDATIONS ON CHANGES TO THE STRUCTURE OF THE
19 FUND.

20 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
21 public members of the Catastrophic Illness in Children Relief Commission shall
22 expire as follows:

23 (1) 3 members in 2008;

24 (2) 3 members in 2009; and

25 (3) 3 members in 2010.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 July 1, 2005.