

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL NO. 315  
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “Income” in line 2 down through “Caregiver” in line 3 and substitute “Family Caregiver Assistance Program”; strike beginning with “allowing” in line 4 down through “circumstances;” in line 6 and substitute “establishing a Family Caregiver Assistance Program in the Department of Aging; specifying the purpose of the Program; providing for the funding of the Program; authorizing the Secretary of Aging to accept certain moneys for certain purposes; establishing eligibility for the Program; authorizing the Program to provide certain family caregivers with certain grants not to exceed a certain amount per year; specifying the purposes for which a grant may be used; requiring the Secretary to adopt certain regulations; requiring the Secretary to work with the Department of Disabilities, the Department of Health and Mental Hygiene, and the Maryland Caregivers Support Coordinating Council to promote the Program to certain individuals; requiring the Secretary to report annually to the Governor and the General Assembly; requiring the Department of Aging to submit a certain report to the Governor and the General Assembly on or before a certain date;”; in line 9, strike “providing for the application of this Act;”; and strike beginning with “a” in line 10 down through “individuals” in line 11 and substitute “an assistance program for certain family caregivers”.

On pages 1 and 2, strike in their entirety the lines beginning with line 12 on page 1 through line 4 on page 2, inclusive, and substitute:

“BY adding to

Article - 70B - Department of Aging

Section 45

Annotated Code of Maryland

(2003 Replacement Volume and 2005 Supplement)”.

AMENDMENT NO. 2

(Over)

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 9 on page 3, inclusive, and substitute:

“Article 70B - Department of Aging

45.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ADULT DEPENDENT” MEANS AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OLD AND IS THE SPOUSE, PARENT, STEPPARENT, GRANDPARENT, CHILD, STEPCHILD, SIBLING, AUNT, UNCLE, SON-IN-LAW, DAUGHTER-IN-LAW, MOTHER-IN-LAW, OR FATHER-IN-LAW OF A FAMILY CAREGIVER.

(3) “FAMILY CAREGIVER” MEANS AN INDIVIDUAL WHO CARES FOR AN ADULT DEPENDENT WHO IS AN INDIVIDUAL WITH LONG-TERM CARE NEEDS.

(4) “INDIVIDUAL WITH LONG-TERM CARE NEEDS” MEANS AN INDIVIDUAL WHO:

(I) IS UNABLE TO PERFORM WITHOUT SUBSTANTIAL ASSISTANCE FROM ANOTHER INDIVIDUAL AT LEAST THREE ACTIVITIES OF DAILY LIVING; OR

(II) IS UNABLE TO PERFORM WITHOUT SUBSTANTIAL ASSISTANCE FROM ANOTHER INDIVIDUAL AT LEAST ONE ACTIVITY OF DAILY LIVING AND REQUIRES SUBSTANTIAL SUPERVISION TO PROTECT THE INDIVIDUAL FROM THREATS TO HEALTH AND SAFETY DUE TO SEVERE COGNITIVE IMPAIRMENT.

(5) “PROGRAM” MEANS THE FAMILY CAREGIVER ASSISTANCE PROGRAM ESTABLISHED UNDER THIS SECTION.

(B) THERE IS A FAMILY CAREGIVER ASSISTANCE PROGRAM IN THE DEPARTMENT.

(C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE GRANTS TO ELIGIBLE FAMILY CAREGIVERS TO SUPPLEMENT THE UNMET EXPENSES OF CARING FOR AN ADULT DEPENDENT.

(D) (1) FUNDING FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET.

(2) THE SECRETARY MAY ACCEPT MONEYS PROVIDED BY OTHER PUBLIC AND PRIVATE SOURCES, INCLUDING FEDERAL FUNDS, TO PROVIDE GRANTS UNDER THIS PROGRAM.

(E) A FAMILY CAREGIVER IS ELIGIBLE FOR A GRANT FROM THE PROGRAM IF:

(1) THE FAMILY CAREGIVER RESIDES WITH AN ADULT DEPENDENT;

(2) THE ADULT DEPENDENT HAS BEEN CERTIFIED BY A LICENSED PHYSICIAN IN THE STATE AS AN INDIVIDUAL WITH LONG-TERM CARE NEEDS FOR AT LEAST 180 CONSECUTIVE DAYS DURING THE YEAR; AND

(3) THE FAMILY CAREGIVER'S HOUSEHOLD INCOME IS 200% OR LESS OF THE STATE MEDIAN INCOME, AS ADJUSTED FOR FAMILY SIZE, IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

(F) (1) THE PROGRAM MAY PROVIDE ELIGIBLE FAMILY CAREGIVERS WITH A GRANT OF UP TO \$500 PER HOUSEHOLD PER YEAR.

(2) GRANTS MAY BE USED TO FUND GOODS AND SERVICES REQUIRED TO PROVIDE CARE FOR THE DEPENDENT ADULT INCLUDING DURABLE MEDICAL EQUIPMENT, MEDICAL BILLS, MEDICAL SUPPLIES, PRESCRIPTION OR OVER-THE-COUNTER MEDICATIONS, REPAIRS OR MODIFICATIONS TO THE HOME, AND RESPITE CARE FOR THE FAMILY CAREGIVER.

(Over)

(G) THE SECRETARY SHALL:

(1) ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM;

(2) WORK IN COOPERATION WITH THE DEPARTMENT OF DISABILITIES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND THE MARYLAND CAREGIVERS SUPPORT COORDINATING COUNCIL TO PROMOTE THE PROGRAM TO FAMILY CAREGIVERS THROUGHOUT THE STATE; AND

(3) REPORT ANNUALLY TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON:

(I) THE NUMBER OF GRANT REQUESTS RECEIVED;

(II) THE VALUE OF GRANTS PROVIDED TO FAMILY CAREGIVERS;

(III) THE PURPOSES FOR WHICH THE GRANTS WERE PROVIDED;  
AND

(IV) THE NUMBER OF GRANT REQUESTS THAT THE PROGRAM WAS UNABLE TO FUND AND THE REASON WHY THESE REQUESTS WERE NOT FUNDED.

(H) THE REGULATIONS REQUIRED TO BE ADOPTED UNDER SUBSECTION (G) OF THIS SECTION SHALL:

(1) ENSURE THAT THE TOTAL AMOUNT OF FUNDING AVAILABLE FOR GRANTS UNDER THE PROGRAM BE ALLOCATED AMONG ALL COUNTIES AND BALTIMORE CITY BASED ON EACH COUNTY OR BALTIMORE CITY'S PROPORTION OF THE TOTAL STATE POPULATION AGED 18 AND OLDER; AND

(2) PROVIDE THAT IF A COUNTY OR BALTIMORE CITY IS UNABLE TO USE ITS ALLOCATION, ANY UNSPENT FUNDS SHALL REVERT TO THE PROGRAM AND

BE REDISTRIBUTED AMONG ALL COUNTIES AND BALTIMORE CITY.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2007, the Department of Aging shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on the availability of federal or private funding to support this Program. This report shall include a plan for leveraging available federal or private funding beginning in fiscal year 2009.”.

AMENDMENT NO. 3

On page 3, in line 16, strike “2.” and substitute “3.”; and strike beginning with “, and” in line 17 down through “2005” in line 18.