

SENATE BILL 7

P5

71r0552

(PRE-FILED)

By: **The President (By Request – Department of Legislative Services – Code Revision)**

Requested: November 13, 2006

Introduced and read first time: January 10, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Human Services Article – Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Human Services Article
4 in the Annotated Code of Maryland; providing for the effective date of certain
5 provisions of this Act; providing for the termination of certain provisions of this
6 Act; and generally relating to the Human Services Article and cross-references
7 and corrections to it.

8 BY repealing and reenacting, with amendments,
9 Article 2B – Alcoholic Beverages
10 Section 6–301(q)(8)(iii)1. and 12–107(b)(8)(ii)3. and (9)(ii)3.
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article 24 – Political Subdivisions – Miscellaneous Provisions
15 Section 11–502(b)(1)
16 Annotated Code of Maryland
17 (2005 Replacement Volume and 2006 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article 28 – Maryland–National Capital Park and Planning Commission
20 Section 8–127
21 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2003 Replacement Volume and 2006 Supplement)

2 BY repealing and reenacting, with amendments,
3 Article – Business Occupations and Professions
4 Section 10–303(a)
5 Annotated Code of Maryland
6 (2004 Replacement Volume and 2006 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Commercial Law
9 Section 23–101(e)(2)(vii) and (viii)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2006 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Correctional Services
14 Section 8–201(g)(2) and 9–604(b)
15 Annotated Code of Maryland
16 (1999 Volume and 2006 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Courts and Judicial Proceedings
19 Section 3–810(a)(2), 3–827(a)(3), 3–8A–27(f), 5–805(a)(4) and (5)(ii)3.,
20 7–202(d)(2), and 7–301(c)(2)(ii)
21 Annotated Code of Maryland
22 (2006 Replacement Volume)

23 BY repealing and reenacting, with amendments,
24 Article – Criminal Law
25 Section 9–401(f)(2)(ii), 9–404(b)(1)(ii), 9–405(a)(3)(i), and 9–410(f)(1)(iv)
26 Annotated Code of Maryland
27 (2002 Volume and 2006 Supplement)

28 BY repealing and reenacting, with amendments,
29 Article – Criminal Procedure
30 Section 10–220(c)(2)
31 Annotated Code of Maryland
32 (2001 Volume and 2006 Supplement)

33 BY repealing and reenacting, with amendments,
34 Article – Education
35 Section 5–217(a)(9), 7–502(c), 8–410(b)(2), 8–417(b)(1), and 22–301(f)
36 Annotated Code of Maryland

1 (2006 Replacement Volume)

2 BY repealing and reenacting, with amendments,
3 Article – Estates and Trusts
4 Section 8–105(a)(10), 13–101(b)(3), (4), and (5), and 13–207(e)
5 Annotated Code of Maryland
6 (2001 Replacement Volume and 2006 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article – Family Law
9 Section 5–313(d)(3)(iv), 5–503(a), 5–508(b)(7), 5–509(b)(2), 5–509.1(b)(1) and (2),
10 5–556(e), 5–561(b)(3), (4), and (5), 5–570(c)(3)(iii), 5–584(e), 5–714(f)(2),
11 5–1202(a)(4), 5–1310(a), 10–108(a)(5) and (6), 10–108.7(1), 10–112(a)(1)
12 and (b)(1)(i) and (2), 10–113(a)(1), 10–113.1(a)(1), 10–119(b)(1)(i),
13 10–119.3(e)(1)(i)2.A., and 10–1A–01(c)(3)(i)
14 Annotated Code of Maryland
15 (2006 Replacement Volume)

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 4–302(d)(3), 4–306(b)(1)(iii), 5–406(a)(2), 7–703(c)(1)(i) and (vii),
19 13–1010(b)(1)(i), 13–1111(b)(1)(i), 15–103(b)(9)(xiv)3., 15–139(c)(1),
20 15–303(a)(3), 16–101(d)(2)(ii) and (e)(2)(iv), 16–206, 19–114(d)(2)(ii),
21 19–345.2(c)(3), 19–712.6(a), 19–1409(b)(8), 19–1801(2)(vii), 19–1806(a)(2)
22 and (3), (c)(1), (d), and (e), and 19–1901(b)(5)
23 Annotated Code of Maryland
24 (2005 Replacement Volume and 2006 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Public Utility Companies
27 Section 7–512.1(a)(7) and (c)(2)(i)1. and 8–201(a)(2)(i) and (iii)
28 Annotated Code of Maryland
29 (1998 Volume and 2006 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article – State Finance and Procurement
32 Section 3–302(b)(2), 7–315(f)(2)(i) and (ii), and 13–224(a)(4) and (6)
33 Annotated Code of Maryland
34 (2006 Replacement Volume and 2006 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article – State Government

1 Section 6–404(7), 6–406(c), 12–101(a)(7) and (14) and (b), 12–103.2(a), and
 2 12–401(14)
 3 Annotated Code of Maryland
 4 (2004 Replacement Volume and 2006 Supplement)

5 BY repealing and reenacting, with amendments,
 6 Article – Tax – Property
 7 Section 7–206(a)(1)
 8 Annotated Code of Maryland
 9 (2001 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, with amendments,
 11 Article – Courts and Judicial Proceedings
 12 Section 7–301(c)(2)(ii)
 13 Annotated Code of Maryland
 14 (2006 Replacement Volume)
 15 (As enacted by Chapter 516 of the Acts of the General Assembly of 2005)

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

18 **Article 2B – Alcoholic Beverages**

19 6–301.

20 (q) (8) (iii) The license may be issued to a club that:

21 1. Is composed of residents of a continuing care
 22 retirement community that has obtained a certificate of registration from the State
 23 Department of Aging under [Article 70B, § 11 of the Code] **TITLE 10, SUBTITLE 4 OF**
 24 **THE HUMAN SERVICES ARTICLE;**

25 12–107.

26 (b) (8) This subsection does not prevent residents and their guests in a
 27 continuing care retirement community in Prince George’s County that holds a Class C
 28 (on–sale) beer, wine and liquor license from consuming wine not purchased from the
 29 continuing care retirement community, if:

30 (ii) The continuing care retirement community:

1 3. Has obtained a certificate of registration from the
2 State Department of Aging under [Article 70B, § 11 of the Code] **TITLE 10,**
3 **SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE;** and

4 (9) This subsection does not prevent residents and their guests in a
5 continuing care retirement community in Frederick County that holds a Class C
6 (on-sale) beer, wine and liquor license from consuming wine not purchased from the
7 continuing care retirement community, if:

8 (ii) The continuing care retirement community:

9 3. Has obtained a certificate of registration from the
10 State Department of Aging under [Article 70B, § 11 of the Code] **TITLE 10,**
11 **SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE;** and

12 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

13 11–502.

14 (b) (1) The application shall be accompanied by an affidavit from the
15 owner or owners stating that the dog for which the license is sought has been
16 professionally trained as a dog guide and stating that the owner or owners are aware
17 that the owner may be liable, under [Article 30, § 33 of the Code] **§ 7–705 OF THE**
18 **HUMAN SERVICES ARTICLE,** for damages caused by the guide dog to premises or
19 facilities. Forms for affidavits required under this subsection shall be made available
20 by the local licensing agency in each subdivision.

21 **Article 28 – Maryland–National Capital Park and Planning Commission**

22 8–127.

23 In the event of the sale of the entire parcel of property or a portion of the parcel
24 of property known as the Glenn Dale Hospital by the District of Columbia,
25 immediately after the transfer of the land from the District of Columbia to the buyer of
26 the land, the Commission shall acquire title to and incorporate the approximately 150
27 acres that have not been developed as part of the existing hospital campus into the
28 Commission’s park system and maintain the land within the park system in
29 perpetuity. The Commission shall also acquire title to the approximately 60 acres that
30 have been developed as a hospital campus. The Commission may sell, lease, or
31 otherwise transfer the approximately 60 acres to a person who will use the property as
32 a continuing care retirement community in accordance with [Article 70B, §§ 7 through
33 23 of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE.** If the

1 Commission is unable to find a qualified person to carry out the intent of this section,
2 the Commission shall retain possession of the approximately 60 acres until the
3 General Assembly of Maryland approves an alternative use.

4 **Article – Business Occupations and Professions**

5 10–303.

6 (a) Subject to this section a lawyer shall deposit trust money in an attorney
7 trust account, all interest on which is payable to the Maryland Legal Services
8 Corporation Fund established under [§ 7–408 of the Courts Article] § **11–402 OF THE**
9 **HUMAN SERVICES ARTICLE.**

10 **Article – Commercial Law**

11 23–101.

12 (e) (2) “Retirement community” does not include:

13 (vii) A cooperative housing corporation organized under Title 5,
14 Subtitle 6B of the Corporations and Associations Article and certified as a continuing
15 care provider under [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE**
16 **HUMAN SERVICES ARTICLE** and separate entities certified as continuing care
17 providers under [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN**
18 **SERVICES ARTICLE** that provide services to residents of a cooperative housing
19 corporation; or

20 (viii) A condominium organized under Title 11 of the Real
21 Property Article and certified as a continuing care provider under [Article 70B of the
22 Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE** and separate
23 entities certified as continuing care providers under [Article 70B of the Code] **TITLE**
24 **10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE** that provide services to
25 residents of a condominium.

26 **Article – Correctional Services**

27 8–201.

28 (g) (2) “Correctional unit” includes those facilities as set forth in [Article
29 83C, § 2–117] § **9–226 OF THE HUMAN SERVICES ARTICLE** and other facilities as
30 designated by the Secretary of Juvenile Services.

1 9-604.

2 (b) The State shall pay the same amount for the funeral and burial expenses
3 of an indigent inmate as the Department of Human Resources pays under [Article
4 88A, § 62A of the Code] § **5-415 OF THE HUMAN SERVICES ARTICLE.**

5 **Article - Courts and Judicial Proceedings**

6 3-810.

7 (a) (2) Each document that a local department serves on a parent under
8 this subtitle shall include information about the website that the Department of
9 Human Resources maintains under [Article 88A, § 18 of the Code] § **2-302 OF THE**
10 **HUMAN SERVICES ARTICLE.**

11 3-827.

12 (a) (3) Information obtained from a court record is subject to the
13 provisions of [Article 88A, § 6 of the Code] §§ **1-201, 1-202, 1-204, AND 1-205 OF**
14 **THE HUMAN SERVICES ARTICLE.**

15 3-8A-27.

16 (f) Subject to the provisions of [Article 83C, § 2-115 of the Code] §§ **9-219**
17 **AND 9-220 OF THE HUMAN SERVICES ARTICLE,** this section does not prohibit
18 access to or use of any juvenile record for criminal justice research purposes. A record
19 used under this subsection may not contain the name of the individual to whom the
20 record pertains, or any other identifying information which could reveal the
21 individual's name.

22 5-805.

23 (a) (4) "Participant" means an individual who is engaged in a community
24 service work activity under the Family Investment Program established under [Article
25 88A of the Code] **TITLE 5, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE.**

26 (5) "Private provider" means an organization that:

27 (ii) 3. Is approved by the Department of Human Resources
28 as a community service work activity provider under [Article 88A of the Code] **TITLE**
29 **5, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE.**

1 7-202.

2 (d) The State Court Administrator, as part of the Administrator's
3 determination of the amount of court costs and charges in civil cases, shall assess a
4 surcharge that:

5 (2) Shall be deposited into the Maryland Legal Services Corporation
6 Fund established under [§ 7-408 of this title] **§ 11-402 OF THE HUMAN SERVICES**
7 **ARTICLE.**

8 7-301.

9 (c) (2) Except as provided in paragraph (3) of this subsection, the Chief
10 Judge of the District Court shall assess a surcharge that:

11 (ii) Shall be deposited into the Maryland Legal Services
12 Corporation Fund established under [§ 7-408 of this title] **§ 11-402 OF THE HUMAN**
13 **SERVICES ARTICLE.**

14 Article – Criminal Law

15 9-401.

16 (f) (2) “Place of confinement” does not include:

17 (ii) a facility for juveniles listed in [Article 83C, § 2-117(a)(2) of
18 the Code] **§ 9-226(B) OF THE HUMAN SERVICES ARTICLE;** or

19 9-404.

20 (b) A person may not:

21 (1) escape from:

22 (ii) a facility for juveniles listed in [Article 83C, § 2-117(a)(2) of
23 the Code] **§ 9-226(B) OF THE HUMAN SERVICES ARTICLE;** or

24 9-405.

25 (a) (3) A person may not escape from:

1 (i) except as otherwise punishable under § 9-404(b) of this
2 subtitle, a detention center for juveniles or a facility for juveniles listed in [Article
3 83C, § 2-117(a)(2) of the Code] § **9-226(B) OF THE HUMAN SERVICES ARTICLE;**

4 9-410.

5 (f) (1) “Place of confinement” means:

6 (iv) a facility for juveniles listed in [Article 83C, § 2-117(a)(2) of
7 the Code] § **9-226(B) OF THE HUMAN SERVICES ARTICLE;**

8 **Article - Criminal Procedure**

9 10-220.

10 (c) For juveniles arrested and brought to the Baltimore City Juvenile Justice
11 Center for intake processing, identification, and assessment, the Department of
12 Juvenile Services may:

13 (2) obtain juvenile data described under [§ 2-118.1 of Article 83C] §
14 **9-229 OF THE HUMAN SERVICES ARTICLE.**

15 **Article - Education**

16 5-217.

17 (a) (9) “Local management board” means a local management board as
18 defined under [Article 49D, § 1-101(j) of the Code] § **8-101(J) OF THE HUMAN**
19 **SERVICES ARTICLE.**

20 7-502.

21 (c) “Youth service bureau” means a program defined under [Article 83C, §
22 2-122 of the Code] § **9-233 OF THE HUMAN SERVICES ARTICLE.**

23 8-410.

24 (b) (2) If a local management board, as established under [Article 49D,
25 Title 2 of the Code] **TITLE 8, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE,**
26 funds the placement of a child in a school that is outside the State or the county in
27 which the child resides without consulting the local school system, the local

1 management board shall certify and pay the cost of the student's daily or other
2 reasonable transportation to school.

3 8-417.

4 (b) (1) The Department of Education, as the fiscal agent of the Children's
5 Cabinet Fund under [Article 49D, Title 5 of the Code] **TITLE 8, SUBTITLE 5 OF THE**
6 **HUMAN SERVICES ARTICLE**, shall administer and implement a redesigned rate
7 setting process for nonpublic general education schools, residential child care
8 programs, and nonresidential child care programs.

9 22-301.

10 (f) "Residential facility" means a facility established under [Article 83C, §
11 2-117 of the Code] § **9-226 OF THE HUMAN SERVICES ARTICLE**.

12 **Article - Estates and Trusts**

13 8-105.

14 (a) If the applicable assets of the estate are insufficient to pay all claims in
15 full, the personal representative shall make payment in the following order:

16 (10) [Old age assistance claims under Article 88A, § 77 of the Code]
17 **ASSISTANCE PAID UNDER THE PUBLIC ASSISTANCE TO ADULTS PROGRAM, AS**
18 **PROVIDED IN § 5-407(D) OF THE HUMAN SERVICES ARTICLE**; and

19 13-101.

20 (b) "Classification of abode" means one of the following types of abode
21 licensed or certified by a State agency:

22 (3) [Care] **CARE** homes under [Article 88A, § 138 of the Code] **TITLE**
23 **6, SUBTITLE 5, PART II OF THE HUMAN SERVICES ARTICLE**;

24 (4) Adult foster care homes [under Article 88A, §§ 3(a) and 5 of the
25 Code] **REGULATED BY THE DEPARTMENT OF HUMAN RESOURCES**; or

26 (5) Senior assisted housing facilities under [Article 70B, § 4(a)(1) of
27 the Code] **TITLE 10 OF THE HUMAN SERVICES ARTICLE**.

28 13-207.

1 (e) The court may not name an official or employee of a local department of
2 social services, the State Department of Human Resources, a local area agency on
3 aging as defined in [Article 70B, § 1(b) of the Code] § **10-101 OF THE HUMAN**
4 **SERVICES ARTICLE**, or the Department of Aging as guardian of the estate.

5 **Article – Family Law**

6 5-313.

7 (d) A petitioner under this section shall attach to a petition:

8 (3) a notice of filing that:

9 (iv) has printed on it the website that the Department maintains
10 under [Article 88A, § 18 of the Code] § **2-302 OF THE HUMAN SERVICES ARTICLE**;
11 and

12 5-503.

13 (a) This section does not limit the powers of the Administration under this
14 subtitle or the Department of Juvenile Services under [Article 83C of the Code] **TITLE**
15 **9 OF THE HUMAN SERVICES ARTICLE**.

16 5-508.

17 (b) This section does not apply:

18 (7) to an institution that has a child care institution license under this
19 subtitle or under [Article 83C, § 2-124 of the Code] § **9-236 OF THE HUMAN**
20 **SERVICES ARTICLE**; or

21 5-509.

22 (b) This section does not apply:

23 (2) to a child care home that has a license under this subtitle or under
24 [Article 83C, § 2-123 of the Code] § **9-235 OF THE HUMAN SERVICES ARTICLE**; or

25 5-509.1.

26 (b) This section does not apply:

1 (1) to a child care home that has a license under this subtitle or under
2 [Article 83C, § 2–123 of the Code] § **9–235 OF THE HUMAN SERVICES ARTICLE**;

3 (2) to a child care institution that has a license under this subtitle or
4 under [Article 83C, § 2–124 of the Code] § **9–236 OF THE HUMAN SERVICES**
5 **ARTICLE**; or

6 5–556.

7 (e) Any information shared by the multidisciplinary team shall be
8 confidential and may be disclosed only in accordance with the provisions of [Article
9 88A, § 6 of the Code] §§ **1–201, 1–202, 1–204, AND 1–205 OF THE HUMAN**
10 **SERVICES ARTICLE**.

11 5–561.

12 (b) The following facilities shall require employees and employers to obtain a
13 criminal history records check under this Part VI of this subtitle:

14 (3) a child care home required to be licensed under this subtitle or
15 under [Article 83C of the Code] **TITLE 9 OF THE HUMAN SERVICES ARTICLE**;

16 (4) a child care institution required to be licensed under this subtitle
17 or under [Article 83C of the Code] **TITLE 9 OF THE HUMAN SERVICES ARTICLE**;

18 (5) a juvenile detention, correction, or treatment facility provided for
19 in [Article 83C of the Code] **TITLE 9 OF THE HUMAN SERVICES ARTICLE**;

20 5–570.

21 (c) (3) “Child care center” does not include:

22 (iii) a child care home, a child care institution, or other child care
23 facility that offers or provides a residential placement for a child and is established,
24 licensed, or registered under this subtitle, [Article 83C of the Code] **TITLE 9 OF THE**
25 **HUMAN SERVICES ARTICLE**, or Title 10 of the Health – General Article; or

26 5–584.

27 (e) Any information shared by the multidisciplinary team shall be
28 confidential and may be disclosed only in accordance with the provisions of [Article

1 88A, § 6 of the Code] §§ **1-201, 1-202, 1-204, AND 1-205 OF THE HUMAN**
2 **SERVICES ARTICLE.**

3 5-714.

4 (f) (2) An official or employee of the Department or a local department
5 who releases information from a central registry in violation of paragraph (1) of this
6 subsection is subject to the penalty provided in [Article 88A, § 6(f) of the Code] §
7 **1-202(F) OF THE HUMAN SERVICES ARTICLE.**

8 5-1202.

9 (a) On or before December 1, 2000, the Secretary of Human Resources and
10 the Secretary of Health and Mental Hygiene shall, after consultation with a broad
11 range of child welfare professionals, substance abuse experts, judges, attorneys,
12 managed care organizations, health care providers, local departments, local health
13 departments, and child advocates, develop a statewide protocol for integrating child
14 welfare and substance abuse treatment services that includes at a minimum the
15 following:

16 (4) placing qualified addictions specialists, including an addiction
17 specialist under [§ 50A of Article 88A of the Code] § **5-314 OF THE HUMAN**
18 **SERVICES ARTICLE**, in all child welfare offices, based on a caseload formula
19 developed by the Department;

20 5-1310.

21 (a) The Secretary and the Secretary of Budget and Management shall ensure
22 that sufficient numbers of qualified child welfare staff, as specified in [Article 88A, §
23 3A of the Code] § **4-301 OF THE HUMAN SERVICES ARTICLE**, are hired and
24 retained in order to achieve caseload ratios in child welfare services consistent with
25 the Child Welfare League of America caseload standards.

26 10-108.

27 (a) The Administration shall:

28 (5) accept assignment of right, title, or interest in child support made
29 under [Article 88A, § 50(b)(2) of the Code] § **5-312(B)(2) OF THE HUMAN SERVICES**
30 **ARTICLE;**

1 (6) in any case in which an assignment is made under [Article 88A, §
2 50(b)(2) of the Code] § **5-312(B)(2) OF THE HUMAN SERVICES ARTICLE**, prosecute
3 and maintain any legal or equitable action available to establish each absent parent's
4 obligation to pay child support;

5 10-108.7.

6 The Administration shall establish a State disbursement unit for collection and
7 disbursement of support payments in any case in which:

8 (1) an assignment is made under [Article 88A, § 50(b)(2) of the Code] §
9 **5-312(B)(2) OF THE HUMAN SERVICES ARTICLE**;

10 10-112.

11 (a) (1) Subject to the best interest of the child, if the Administration
12 considers it to be in the best interest of this State in a case in which an assignment
13 has been made under [Article 88A, § 50(b)(2) of the Code] § **5-312(B)(2) OF THE**
14 **HUMAN SERVICES ARTICLE**, the Administration may accept in full settlement of an
15 arrearage in child support payments an amount that is less than the total arrearage.

16 (b) (1) In a case in which an assignment has been made under [Article
17 88A, § 50(b)(2) of the Code] § **5-312(B)(2) OF THE HUMAN SERVICES ARTICLE**,
18 there is a presumption that it is in the best interest of this State for the
19 Administration to accept in full settlement of an arrearage in child support payments
20 an amount that is less than the total arrearage if:

21 (i) 1. the obligor, the individual who has made an
22 assignment under [Article 88A, § 50(b)(2) of the Code] § **5-312(B)(2) OF THE**
23 **HUMAN SERVICES ARTICLE**, and the child who is the subject of the support order
24 have resided together for at least the 12 months immediately preceding a request for
25 settlement under this section; or

26 2. the obligor and the child who is the subject of the
27 support order have resided together for at least the 12 months immediately preceding
28 a request for settlement under this section, and the individual who has made an
29 assignment under [Article 88A, § 50(b)(2) of the Code] § **5-312(B)(2) OF THE**
30 **HUMAN SERVICES ARTICLE** is deceased, incapacitated, or otherwise unavailable to
31 reside with the obligor and the child;

32 (2) For purposes of paragraph (1)(i)2 of this subsection, an individual
33 who has made an assignment under [Article 88A, § 50(b)(2) of the Code] §

1 **5-312(B)(2) OF THE HUMAN SERVICES ARTICLE** may not be considered
2 incapacitated or otherwise unavailable due solely to a change in legal or physical
3 custody of the child.

4 10-113.

5 (a) Each year, the Administration may certify to the State Comptroller any
6 obligor who is in arrears of support payments amounting to more than \$150 under the
7 court order, if:

8 (1) the Administration has accepted an assignment of support under
9 [Article 88A, § 50(b)(2) of the Code] **§ 5-312(B)(2) OF THE HUMAN SERVICES**
10 **ARTICLE**; or

11 10-113.1.

12 (a) The Administration may certify to the State Lottery Agency the name of
13 any obligor who is in arrears in the amount of \$150 or more if:

14 (1) the Administration has accepted an assignment of support under
15 [Article 88A, § 50(b)(2) of the Code] **§ 5-312(B)(2) OF THE HUMAN SERVICES**
16 **ARTICLE**; or

17 10-119.

18 (b) (1) Subject to the provisions of subsection (c) of this section, the
19 Administration may notify the Motor Vehicle Administration of any obligor who is 60
20 days or more out of compliance with the most recent order of the court in making child
21 support payments if:

22 (i) the Administration has accepted an assignment of support
23 under [Article 88A, § 50(b)(2) of the Code] **§ 5-312(B)(2) OF THE HUMAN SERVICES**
24 **ARTICLE**; or

25 10-119.3.

26 (e) (1) Subject to the provisions of subsection (f) of this section, the
27 Administration may request a licensing authority to suspend or deny an individual's
28 license if:

1 (i) 2. A. the Administration has accepted an assignment
2 of support under [Article 88A, § 50(b)(2) of the Code] § **5-312(B)(2) OF THE HUMAN**
3 **SERVICES ARTICLE**; or

4 10-1A-01.

5 (c) "Party" means:

6 (3) the Administration when:

7 (i) it has accepted an assignment of support under [Article 88A,
8 § 50(b)(2) of the Code] § **5-312(B)(2) OF THE HUMAN SERVICES ARTICLE**; or

9 **Article - Health - General**

10 4-302.

11 (d) A person to whom a medical record is disclosed may not redisclose the
12 medical record to any other person unless the redisclosure is:

13 (3) Permitted under [Article 88A, § 6(b) of the Code] § **1-202(B) OR**
14 **(C) OF THE HUMAN SERVICES ARTICLE**; or

15 4-306.

16 (b) A health care provider shall disclose a medical record without the
17 authorization of a person in interest:

18 (1) To a unit of State or local government, or to a member of a
19 multidisciplinary team assisting the unit, for purposes of investigation or treatment in
20 a case of suspected abuse or neglect of a child or an adult, subject to the following
21 conditions:

22 (iii) The medical record may be redisclosed as provided in
23 [Article 88A, § 6 of the Code] §§ **1-201, 1-202, 1-204, AND 1-205 OF THE HUMAN**
24 **SERVICES ARTICLE**;

25 5-406.

26 (a) (2) Subject to the limitations imposed on nursing homes under [Article
27 70B, § 5A of the Code] § **10-214 OF THE HUMAN SERVICES ARTICLE**, any other
28 person who has control of a body may notify the Board if, after a reasonable search,

1 the person has not found a person who will take control of the body for its final
2 disposition.

3 7-703.

4 (c) (1) Before using Program funds, the Program shall coordinate and
5 assist any eligible child and family in receiving services available under existing
6 programs including:

7 (i) Respite care under [Article 88A, § 128 of the Code] **TITLE 7,**
8 **SUBTITLE 2 OF THE HUMAN SERVICES ARTICLE;**

9 (vii) Attendant care services under [Article 41, § 18-602 of the
10 Code] **TITLE 7, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE;** and

11 13-1010.

12 (b) The membership of a Community Health Coalition established under §
13 13-1008(b) of this subtitle may include:

14 (1) Representatives of:

15 (i) A local management board established under [Article 49D,
16 Title 2 of the Code] **TITLE 8, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE;**

17 13-1111.

18 (b) The membership of a Community Health Coalition established under §
19 13-1109(c) of this subtitle may include:

20 (1) Representatives of:

21 (i) A local management board established under [Article 49D,
22 Title 2 of the Code] **TITLE 8, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE;**

23 15-103.

24 (b) (9) Each managed care organization shall:

25 (xiv) Maintain as part of the enrollee's medical record the
26 following information:

1 3. Information from the local department of social
2 services regarding any other service or benefit the enrollee receives, including
3 assistance or benefits [under Article 88A of the Code] **FROM A PROGRAM**
4 **ADMINISTERED BY THE DEPARTMENT OF HUMAN RESOURCES UNDER THE**
5 **HUMAN SERVICES ARTICLE**; and

6 15-139.

7 (c) (1) For fiscal year 2004 and each subsequent fiscal year, the Governor
8 shall provide funds in the budget for the Children's Cabinet Fund established under
9 [Article 49D of the Code] **TITLE 8, SUBTITLE 5 OF THE HUMAN SERVICES**
10 **ARTICLE** in an amount equal to:

11 (i) The amount of federal funds received under subsection (a) of
12 this section during the most recently completed fiscal year;

13 (ii) Less any administrative costs incurred by the Department,
14 the Department of Juvenile Services, and the Department of Human Resources in
15 implementing the programs required under this section; and

16 (iii) Subject to adjustment in accordance with subsection (e) of
17 this section.

18 15-303.

19 (a) (3) The Department or its enrollment contractor, to the extent feasible
20 in its marketing, outreach, and enrollment programs, shall hire individuals receiving
21 assistance under the Family Investment Program established under [Article 88A of
22 the Code] **TITLE 5, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE**.

23 16-101.

24 (d) (2) "Cost of care" includes the cost of:

25 (ii) Any juvenile screening or treatment service provided to an
26 individual under [Article 83C, § 2-118(b)(1)(ii) of the Code] **§ 9-227(B)(1)(II) OF THE**
27 **HUMAN SERVICES ARTICLE**.

28 (e) (2) "Recipient of services" includes:

1 (iv) An individual to whom juvenile screening or treatment
2 services are provided under [Article 83C, § 2-118(b)(1)(ii) of the Code] §
3 **9-227(B)(1)(II) OF THE HUMAN SERVICES ARTICLE**; and

4 16-206.

5 (a) For juvenile screening and treatment services that a unit of the
6 Department provides under [Article 83C, § 2-118(b)(1)(ii) of the Code] §
7 **9-227(B)(1)(II) OF THE HUMAN SERVICES ARTICLE**, the Department shall bill and
8 collect the cost of care as provided in this subtitle and as if the recipient of services
9 were not a ward of this State.

10 (b) The Department of Juvenile Services shall pay for juvenile screening and
11 treatment services that any person other than the Department provides under [Article
12 83C, § 2-118 of the Code] § **9-227(B)(1)(II) OF THE HUMAN SERVICES ARTICLE**.
13 However, the Department later shall bill and collect this cost of care as provided in
14 this subtitle.

15 19-114.

16 (d) (2) “Health care facility” does not include:

17 (ii) For the purpose of providing an exemption from a certificate
18 of need under § 19-120 of this subtitle, a facility to provide comprehensive care
19 constructed by a provider of continuing care, as defined [by Article 70B of the Code] **IN**
20 **§ 10-401 OF THE HUMAN SERVICES ARTICLE**, if:

21 1. Except as provided under § 19-123 of this subtitle,
22 the facility is for the exclusive use of the provider’s subscribers who have executed
23 continuing care agreements and paid entrance fees that are at least equal to the
24 lowest entrance fee charged for an independent living unit or an assisted living unit
25 before entering the continuing care community, regardless of the level of care needed
26 by the subscribers at the time of admission;

27 2. The facility is located on the campus of the continuing
28 care community; and

29 3. The number of comprehensive care nursing beds in
30 the community does not exceed:

31 A. 24 percent of the number of independent living units
32 in a community having less than 300 independent living units; or

1 B. 20 percent of the number of independent living units
2 in a community having 300 or more independent living units;

3 19–345.2.

4 (c) (3) A facility that is certified as a continuing care provider under
5 [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES**
6 **ARTICLE** is not subject to the provisions of subsection (b) of this section if:

7 (i) The facility transfers a resident to a lesser level of care
8 within the same facility in accordance with a contractual agreement between the
9 facility and the resident; and

10 (ii) The transfer is approved by the attending physician.

11 19–712.6.

12 (a) Whenever a subscriber or an enrollee of a health maintenance
13 organization is a resident of a continuing care facility that is regulated under [Article
14 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE** and
15 received health care services in an acute care health care facility, the resident’s
16 primary care physician shall refer, if medically appropriate, the resident to the skilled
17 nursing unit at the resident’s continuing care facility for the provision of health care
18 services included in the resident’s health maintenance organization Medicare contract
19 if:

20 (1) The primary care physician and the resident or the designated
21 representative of the resident do not choose an alternative course of treatment;

22 (2) The continuing care facility becomes a contracting provider in
23 accordance with the health maintenance organization’s standard terms and conditions
24 for its participating providers and meets the credentialing criteria for becoming a
25 participating provider;

26 (3) The continuing care facility meets all the guidelines established by
27 the Division of Licensing and Certification of the Department, including Medicare
28 certification; and

29 (4) The continuing care facility’s skilled nursing unit is certified as a
30 Medicare skilled nursing facility.

1 19-1409.

2 (b) The Oversight Committee shall consist of the following members:

3 (8) Three representatives of area agencies on aging, one of which shall
4 be a member of a local long-term care ombudsman program established under [Article
5 70B, § 5 of the Code] **§ 10-213 OF THE HUMAN SERVICES ARTICLE**, appointed by
6 the Secretary of Aging;

7 19-1801.

8 In this subtitle:

9 (2) “Assisted living program” does not include:

10 (vii) A program certified by the Department of Human Resources
11 under [§ 140 of Article 88A] **TITLE 6, SUBTITLE 5, PART II OF THE HUMAN**
12 **SERVICES ARTICLE** as a certified Adult Residential Environment Program.

13 19-1806.

14 (a) (2) “Continuing care” has the meaning stated in [Article 70B of the
15 Code] **§ 10-401 OF THE HUMAN SERVICES ARTICLE**.

16 (3) “Continuing care agreement” has the meaning stated in [Article
17 70B of the Code] **§ 10-401 OF THE HUMAN SERVICES ARTICLE**.

18 (c) (1) An assisted living program subject to this section that meets the
19 requirements of [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN**
20 **SERVICES ARTICLE** with regard to assisted living is not required to execute a
21 separate assisted living resident agreement that is in addition to the continuing care
22 agreement.

23 (d) A continuing care agreement that contains a provision to provide assisted
24 living program services and does not require a subscriber to execute a separate
25 assisted living agreement to receive those services is not required to contain general or
26 specific contract provisions, except as required under [Article 70B of the Code] **TITLE**
27 **10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE**, that apply to assisted living
28 programs that are not subject to this section.

29 (e) (1) In addition to subsection (c) of this section, an assisted living
30 program subject to this section is not required to provide a disclosure statement

1 relating to its assisted living program separate from any disclosure statement required
2 by [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES**
3 **ARTICLE** for continuing care.

4 (2) Any disclosure statement required to be provided to a resident
5 under [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES**
6 **ARTICLE** shall include information that is required to be disclosed by an assisted
7 living program in accordance with this subtitle.

8 19–1901.

9 (b) “Adult dependent care program” means:

10 (5) A congregate housing services program regulated under [Article
11 70B of the Code] **TITLE 10, SUBTITLE 2 OF THE HUMAN SERVICES ARTICLE**;

12 **Article – Public Utility Companies**

13 7–512.1.

14 (a) (7) In a specific case, the electric universal service program may waive
15 the income eligibility limitation under paragraph (1) of this subsection in order to
16 provide assistance to an electric customer who would qualify for a similar waiver
17 under the Maryland Energy Assistance Program established under [Article 41, §
18 6–406 of the Code] **TITLE 6, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE**.

19 (c) (2) (i) To assist the Commission in preparing its recommendations
20 under paragraph (1) of this subsection, the Office of Home Energy Programs shall
21 report to the Commission each year on:

22 1. the number of customers and the amount of
23 distributions made to fuel customers under the Maryland Energy Assistance Program
24 established under [Article 41, § 6–406 of the Code] **TITLE 6, SUBTITLE 3 OF THE**
25 **HUMAN SERVICES ARTICLE**, identified by funding source and fuel source; and

26 8–201.

27 (a) (2) “Eligible subscriber” means an individual who is certified to a local
28 telephone company by the Department of Human Resources as receiving:

29 (i) assistance under [Article 88A, §§ 44A through 53 of the
30 Code] **TITLE 5, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE**;

1 (iii) assistance from the Maryland Energy Assistance Program
2 under [Article 41, Title 6, Subtitle 4 of the Code] **TITLE 6, SUBTITLE 3 OF THE**
3 **HUMAN SERVICES ARTICLE;**

4 **Article – State Finance and Procurement**

5 3–302.

6 (b) Unless, with the approval of the Secretary, a unit of the State
7 government assigns the claim to the Central Collection Unit, the Central Collection
8 Unit is not responsible for and may not collect:

9 (2) any child support payment that is owed under [Article 88A, § 48 of
10 the Code] § **5–308 OF THE HUMAN SERVICES ARTICLE;**

11 7–315.

12 (f) (2) The Fund shall be expended:

13 (i) for emergency energy assistance provided under [Article 41,
14 § 6–406(1) of the Code] § **6–307(A) OF THE HUMAN SERVICES ARTICLE;**

15 (ii) for energy assistance programs provided under [Article 41, §
16 6–406(2) of the Code] § **6–307(B) OF THE HUMAN SERVICES ARTICLE;**

17 13–224.

18 (a) (4) “FIP” means the Family Investment Program established under
19 [Article 88A of the Code] **TITLE 5, SUBTITLE 3 OF THE HUMAN SERVICES**
20 **ARTICLE.**

21 (6) “Local department” means a local department of social services in a
22 county or in Baltimore City created or continued under [the provisions of Article 88A,
23 § 13 of the Code] § **3–201(A) OF THE HUMAN SERVICES ARTICLE.**

24 **Article – State Government**

25 6–404.

26 The Unit shall:

1 (7) have a representative available to attend meetings of the advisory
2 boards established under [Article 83C, § 2–119 of the Code] § **9–230 OF THE HUMAN**
3 **SERVICES ARTICLE.**

4 6–406.

5 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall
6 report to the Special Secretary, the Secretary, the advisory boards established under
7 [Article 83C, § 2–119 of the Code] § **9–230 OF THE HUMAN SERVICES ARTICLE**, the
8 Governor, and, in accordance with § 2–1246 of the State Government Article, the
9 General Assembly, on all the activities of the Office and the actions taken by the
10 Department in response to findings and recommendations of the Unit.

11 12–101.

12 (a) In this subtitle, unless the context clearly requires otherwise, “State
13 personnel” means:

14 (7) an employee of a county who is assigned to a local department of
15 social services, including a Montgomery County employee who carries out State
16 programs administered under [Article 88A, § 13A(b) of the Code] **TITLE 3, SUBTITLE**
17 **4 OF THE HUMAN SERVICES ARTICLE;**

18 (14) a student, faculty, or staff member of an institution of higher
19 education who is providing a service under the Family Investment Program in
20 accordance with [the provisions of Article 88A, § 47 or § 53 of the Code] § **5–305, §**
21 **5–306, OR § 5–317 OF THE HUMAN SERVICES ARTICLE.**

22 (b) In this subtitle, a unit of the State government includes the Montgomery
23 County government to the extent that Montgomery County administers a State
24 program under [Article 88A, § 13A(b) of the Code] **TITLE 3, SUBTITLE 4 OF THE**
25 **HUMAN SERVICES ARTICLE.**

26 12–103.2.

27 (a) In this section, “tort claim” means a tort claim filed in State court against
28 the Montgomery County government relating to the administration of a State program
29 under [Article 88A, § 13A(b) of the Code] **TITLE 3, SUBTITLE 4 OF THE HUMAN**
30 **SERVICES ARTICLE.**

31 12–401.

1 In this subtitle, "State personnel" means:

2 (14) a Montgomery County employee who administers a State program
3 under [Article 88A, § 13A(b) of the Code] **TITLE 3, SUBTITLE 4 OF THE HUMAN**
4 **SERVICES ARTICLE.**

5 **Article - Tax - Property**

6 7-206.

7 (a) In this section, "facility" means a continuing care facility for the aged
8 that:

9 (1) provides continuing care as defined in [Article 70B, § 7(d) of the
10 Code] § **10-401 OF THE HUMAN SERVICES ARTICLE;**

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

13 **Article - Courts and Judicial Proceedings**

14 7-301.

15 (c) (2) The Chief Judge of the District Court shall assess a surcharge that:

16 (ii) Shall be deposited into the Maryland Legal Services
17 Corporation Fund established under [§ 7-408 of this title] § **11-402 OF THE HUMAN**
18 **SERVICES ARTICLE.**

19 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
20 take effect contingent on the taking effect of the termination provision specified in
21 Section 3 of Chapter 516 of the Acts of the General Assembly of 2005. If that
22 termination provision takes effect, § 7-301(c)(2)(ii) of the Courts Article, as enacted by
23 Section 1 of this Act, shall be abrogated and of no further force and effect. This Act
24 may not be interpreted to have any effect on that termination provision.

25 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
26 of Section 3 of this Act, this Act shall take effect October 1, 2007.