

# SENATE BILL 7

P5

71r0552

(PRE-FILED)

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

Requested: November 13, 2006

Introduced and read first time: January 11, 2007

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: January 15, 2007

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## CHAPTER \_\_\_\_\_

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; correcting certain errors in the Human  
5 Services Article; providing for the effective date of certain provisions of this Act;  
6 providing for the termination of certain provisions of this Act; and generally  
7 relating to the Human Services Article and cross-references and corrections to  
8 it.

9 BY repealing and reenacting, with amendments,  
10 Article 2B - Alcoholic Beverages  
11 Section 6-301(q)(8)(iii)1. and 12-107(b)(8)(ii)3. and (9)(ii)3.  
12 Annotated Code of Maryland  
13 (2005 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article 24 - Political Subdivisions - Miscellaneous Provisions  
16 Section 11-502(b)(1)  
17 Annotated Code of Maryland

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



- 1 (2005 Replacement Volume and 2006 Supplement)
- 2 BY repealing and reenacting, with amendments,  
3 Article 28 – Maryland–National Capital Park and Planning Commission  
4 Section 8–127  
5 Annotated Code of Maryland  
6 (2003 Replacement Volume and 2006 Supplement)
- 7 BY repealing and reenacting, with amendments,  
8 Article – Business Occupations and Professions  
9 Section 10–303(a)  
10 Annotated Code of Maryland  
11 (2004 Replacement Volume and 2006 Supplement)
- 12 BY repealing and reenacting, with amendments,  
13 Article – Commercial Law  
14 Section 23–101(e)(2)(vii) and (viii)  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2006 Supplement)
- 17 BY repealing and reenacting, with amendments,  
18 Article – Correctional Services  
19 Section 8–201(g)(2) and 9–604(b)  
20 Annotated Code of Maryland  
21 (1999 Volume and 2006 Supplement)
- 22 BY repealing and reenacting, with amendments,  
23 Article – Courts and Judicial Proceedings  
24 Section 3–810(a)(2), 3–827(a)(3), 3–8A–27(f), 5–805(a)(4) and (5)(ii)3.,  
25 7–202(d)(2), and 7–301(c)(2)(ii)  
26 Annotated Code of Maryland  
27 (2006 Replacement Volume)
- 28 BY repealing and reenacting, with amendments,  
29 Article – Criminal Law  
30 Section 9–401(f)(2)(ii), 9–404(b)(1)(ii), 9–405(a)(3)(i), and 9–410(f)(1)(iv)  
31 Annotated Code of Maryland  
32 (2002 Volume and 2006 Supplement)
- 33 BY repealing and reenacting, with amendments,  
34 Article – Criminal Procedure  
35 Section 10–220(c)(2)  
36 Annotated Code of Maryland

1 (2001 Volume and 2006 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article – Education

4 Section 5–217(a)(9), 7–502(c), 8–410(b)(2), 8–417(b)(1), and 22–301(f)

5 Annotated Code of Maryland

6 (2006 Replacement Volume)

7 BY repealing and reenacting, with amendments,

8 Article – Estates and Trusts

9 Section 8–105(a)(10), 13–101(b)(3), (4), and (5), and 13–207(e)

10 Annotated Code of Maryland

11 (2001 Replacement Volume and 2006 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Family Law

14 Section 5–313(d)(3)(iv), 5–503(a), 5–508(b)(7), 5–509(b)(2), 5–509.1(b)(1) and (2),

15 5–556(e), 5–561(b)(3), (4), and (5), 5–570(c)(3)(iii), 5–584(e), 5–714(f)(2),

16 5–1202(a)(4), 5–1310(a), 10–108(a)(5) and (6), 10–108.7(1), 10–112(a)(1)

17 and (b)(1)(i) and (2), 10–113(a)(1), 10–113.1(a)(1), 10–119(b)(1)(i),

18 10–119.3(e)(1)(i)2.A., and 10–1A–01(c)(3)(i)

19 Annotated Code of Maryland

20 (2006 Replacement Volume)

21 BY repealing and reenacting, with amendments,

22 Article – Health – General

23 Section 4–302(d)(3), 4–306(b)(1)(iii), 5–406(a)(2), 7–703(c)(1)(i) and (vii),

24 13–1010(b)(1)(i), 13–1111(b)(1)(i), 15–103(b)(9)(xiv)3., 15–139(c)(1),

25 15–303(a)(3), 16–101(d)(2)(ii) and (e)(2)(iv), 16–206, 19–114(d)(2)(ii),

26 19–345.2(c)(3), 19–712.6(a), 19–1409(b)(8), 19–1801(2)(vii), 19–1806(a)(2)

27 and (3), (c)(1), (d), and (e), and 19–1901(b)(5)

28 Annotated Code of Maryland

29 (2005 Replacement Volume and 2006 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article – Human Services

32 Section 3–301(a) and 9–246(f)(1)(iv)

33 Annotated Code of Maryland

34 (As enacted by Chapter \_\_\_\_\_ (S.B. 6) of the Acts of the General Assembly of

35 2007)

36 BY repealing and reenacting, with amendments,

1 Article – Public Utility Companies  
 2 Section 7–512.1(a)(7) and (c)(2)(i)1. and 8–201(a)(2)(i) and (iii)  
 3 Annotated Code of Maryland  
 4 (1998 Volume and 2006 Supplement)

5 BY repealing and reenacting, with amendments,  
 6 Article – State Finance and Procurement  
 7 Section 3–302(b)(2), 7–315(f)(2)(i) and (ii), and 13–224(a)(4) and (6)  
 8 Annotated Code of Maryland  
 9 (2006 Replacement Volume and 2006 Supplement)

10 BY repealing and reenacting, with amendments,  
 11 Article – State Government  
 12 Section 6–404(7), 6–406(c), 12–101(a)(7) and (14) and (b), 12–103.2(a), and  
 13 12–401(14)  
 14 Annotated Code of Maryland  
 15 (2004 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, with amendments,  
 17 Article – Tax – Property  
 18 Section 7–206(a)(1)  
 19 Annotated Code of Maryland  
 20 (2001 Replacement Volume and 2006 Supplement)

21 BY repealing and reenacting, with amendments,  
 22 Article – Courts and Judicial Proceedings  
 23 Section 7–301(c)(2)(ii)  
 24 Annotated Code of Maryland  
 25 (2006 Replacement Volume)  
 26 (As enacted by Chapter 516 of the Acts of the General Assembly of 2005)

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

29 **Article 2B – Alcoholic Beverages**

30 6–301.

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

32 1. Is composed of residents of a continuing care  
 33 retirement community that has obtained a certificate of registration from the State

1 Department of Aging under [Article 70B, § 11 of the Code] **TITLE 10, SUBTITLE 4 OF**  
2 **THE HUMAN SERVICES ARTICLE;**

3 12–107.

4 (b) (8) This subsection does not prevent residents and their guests in a  
5 continuing care retirement community in Prince George’s 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 (9) This subsection does not prevent residents and their guests in a  
13 continuing care retirement community in Frederick County that holds a Class C  
14 (on–sale) beer, wine and liquor license from consuming wine not purchased from the  
15 continuing care retirement community, if:

16 (ii) The continuing care retirement community:

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

## 20 **Article 24 – Political Subdivisions – Miscellaneous Provisions**

21 11–502.

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

## 29 **Article 28 – Maryland–National Capital Park and Planning Commission**

30 8–127.

1           In the event of the sale of the entire parcel of property or a portion of the parcel  
 2 of property known as the Glenn Dale Hospital by the District of Columbia,  
 3 immediately after the transfer of the land from the District of Columbia to the buyer of  
 4 the land, the Commission shall acquire title to and incorporate the approximately 150  
 5 acres that have not been developed as part of the existing hospital campus into the  
 6 Commission's park system and maintain the land within the park system in  
 7 perpetuity. The Commission shall also acquire title to the approximately 60 acres that  
 8 have been developed as a hospital campus. The Commission may sell, lease, or  
 9 otherwise transfer the approximately 60 acres to a person who will use the property as  
 10 a continuing care retirement community in accordance with [Article 70B, §§ 7 through  
 11 23 of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE**. If the  
 12 Commission is unable to find a qualified person to carry out the intent of this section,  
 13 the Commission shall retain possession of the approximately 60 acres until the  
 14 General Assembly of Maryland approves an alternative use.

15                                   **Article – Business Occupations and Professions**

16   10–303.

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

21                                   **Article – Commercial Law**

22   23–101.

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

24                                   (vii) A cooperative housing corporation organized under Title 5,  
 25 Subtitle 6B of the Corporations and Associations Article and certified as a continuing  
 26 care provider under [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE**  
 27 **HUMAN SERVICES ARTICLE** and separate entities certified as continuing care  
 28 providers under [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN**  
 29 **SERVICES ARTICLE** that provide services to residents of a cooperative housing  
 30 corporation; or

31                                   (viii) A condominium organized under Title 11 of the Real  
 32 Property Article and certified as a continuing care provider under [Article 70B of the  
 33 Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE** and separate

1 entities certified as continuing care providers under [Article 70B of the Code] **TITLE**  
2 **10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE** that provide services to  
3 residents of a condominium.

#### 4 **Article – Correctional Services**

5 8–201.

6 (g) (2) “Correctional unit” includes those facilities as set forth in [Article  
7 83C, § 2–117] § **9–226 OF THE HUMAN SERVICES ARTICLE** and other facilities as  
8 designated by the Secretary of Juvenile Services.

9 9–604.

10 (b) The State shall pay the same amount for the funeral and burial expenses  
11 of an indigent inmate as the Department of Human Resources pays under [Article  
12 88A, § 62A of the Code] § **5–415 OF THE HUMAN SERVICES ARTICLE**.

#### 13 **Article – Courts and Judicial Proceedings**

14 3–810.

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

19 3–827.

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

23 3–8A–27.

24 (f) Subject to the provisions of [Article 83C, § 2–115 of the Code] §§ **9–219**  
25 **AND 9–220 OF THE HUMAN SERVICES ARTICLE**, this section does not prohibit  
26 access to or use of any juvenile record for criminal justice research purposes. A record  
27 used under this subsection may not contain the name of the individual to whom the  
28 record pertains, or any other identifying information which could reveal the  
29 individual’s name.

1 5-805.

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

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

6 (ii) 3. Is approved by the Department of Human Resources  
7 as a community service work activity provider under [Article 88A of the Code] **TITLE**  
8 **5, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE.**

9 7-202.

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

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

16 7-301.

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

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

## 22 **Article - Criminal Law**

23 9-401.

24 (f) (2) "Place of confinement" does not include:

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

27 9-404.



1 (b) A person may not:

2 (1) escape from:

3 (ii) a facility for juveniles listed in [Article 83C, § 2-117(a)(2) of  
4 the Code] § **9-226(B) OF THE HUMAN SERVICES ARTICLE**; or  
5 9-405.

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

7 (i) except as otherwise punishable under § 9-404(b) of this  
8 subtitle, a detention center for juveniles or a facility for juveniles listed in [Article  
9 83C, § 2-117(a)(2) of the Code] § **9-226(B) OF THE HUMAN SERVICES ARTICLE**;  
10 9-410.

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

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

#### 14 **Article - Criminal Procedure**

15 10-220.

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

19 (2) obtain juvenile data described under [§ 2-118.1 of Article 83C] §  
20 **9-229 OF THE HUMAN SERVICES ARTICLE**.

#### 21 **Article - Education**

22 5-217.

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

26 7-502.

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

3 8-410.

4 (b) (2) If a local management board, as established under [Article 49D,  
5 Title 2 of the Code] **TITLE 8, SUBTITLE 3 OF THE HUMAN SERVICES ARTICLE,**  
6 funds the placement of a child in a school that is outside the State or the county in  
7 which the child resides without consulting the local school system, the local  
8 management board shall certify and pay the cost of the student's daily or other  
9 reasonable transportation to school.

10 8-417.

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

16 22-301.

17 (f) "Residential facility" means a facility established under [Article 83C, §  
18 2-117 of the Code] § **9-226 OF THE HUMAN SERVICES ARTICLE.**

#### 19 **Article - Estates and Trusts**

20 8-105.

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

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

26 13-101.

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

1 (3) [Care] **CARE** homes under [Article 88A, § 138 of the Code] **TITLE**  
2 **6, SUBTITLE 5, PART II OF THE HUMAN SERVICES ARTICLE;**

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

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

7 13–207.

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

#### 12 **Article – Family Law**

13 5–313.

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

15 (3) a notice of filing that:

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

19 5–503.

20 (a) This section does not limit the powers of the Administration under this  
21 subtitle or the Department of Juvenile Services under [Article 83C of the Code] **TITLE**  
22 **9 OF THE HUMAN SERVICES ARTICLE.**

23 5–508.

24 (b) This section does not apply:

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

1 5-509.

2 (b) This section does not apply:

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

5 5-509.1.

6 (b) This section does not apply:

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

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

12 5-556.

13 (e) Any information shared by the multidisciplinary team shall be  
14 confidential and may be disclosed only in accordance with the provisions of [Article  
15 88A, § 6 of the Code] **§§ 1-201, 1-202, 1-204, AND 1-205 OF THE HUMAN**  
16 **SERVICES ARTICLE**.

17 5-561.

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

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

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

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

26 5-570.

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

2 (iii) a child care home, a child care institution, or other child care  
3 facility that offers or provides a residential placement for a child and is established,  
4 licensed, or registered under this subtitle, [Article 83C of the Code] **TITLE 9 OF THE**  
5 **HUMAN SERVICES ARTICLE**, or Title 10 of the Health – General Article; or  
6 5–584.

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 5–714.

12 (f) (2) An official or employee of the Department or a local department  
13 who releases information from a central registry in violation of paragraph (1) of this  
14 subsection is subject to the penalty provided in [Article 88A, § 6(f) of the Code] §  
15 **1-202(F) OF THE HUMAN SERVICES ARTICLE**.

16 5–1202.

17 (a) On or before December 1, 2000, the Secretary of Human Resources and  
18 the Secretary of Health and Mental Hygiene shall, after consultation with a broad  
19 range of child welfare professionals, substance abuse experts, judges, attorneys,  
20 managed care organizations, health care providers, local departments, local health  
21 departments, and child advocates, develop a statewide protocol for integrating child  
22 welfare and substance abuse treatment services that includes at a minimum the  
23 following:

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

28 5–1310.

29 (a) The Secretary and the Secretary of Budget and Management shall ensure  
30 that sufficient numbers of qualified child welfare staff, as specified in [Article 88A, §  
31 3A of the Code] § **4-301 OF THE HUMAN SERVICES ARTICLE**, are hired and

1 retained in order to achieve caseload ratios in child welfare services consistent with  
2 the Child Welfare League of America caseload standards.

3 10–108.

4 (a) The Administration shall:

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

8 (6) in any case in which an assignment is made under [Article 88A, §  
9 50(b)(2) of the Code] § **5–312(B)(2) OF THE HUMAN SERVICES ARTICLE**, prosecute  
10 and maintain any legal or equitable action available to establish each absent parent’s  
11 obligation to pay child support;

12 10–108.7.

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

15 (1) an assignment is made under [Article 88A, § 50(b)(2) of the Code] §  
16 **5–312(B)(2) OF THE HUMAN SERVICES ARTICLE**;

17 10–112.

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

23 (b) (1) In a case in which an assignment has been made under [Article  
24 88A, § 50(b)(2) of the Code] § **5–312(B)(2) OF THE HUMAN SERVICES ARTICLE**,  
25 there is a presumption that it is in the best interest of this State for the  
26 Administration to accept in full settlement of an arrearage in child support payments  
27 an amount that is less than the total arrearage if:

28 (i) 1. the obligor, 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**, and the child who is the subject of the support order

1 have resided together for at least the 12 months immediately preceding a request for  
2 settlement under this section; or

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

9                   (2) For purposes of paragraph (1)(i)2 of this subsection, an individual  
10 who has made an assignment under [Article 88A, § 50(b)(2) of the Code] §  
11 **5-312(B)(2) OF THE HUMAN SERVICES ARTICLE** may not be considered  
12 incapacitated or otherwise unavailable due solely to a change in legal or physical  
13 custody of the child.

14 10-113.

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

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

21 10-113.1.

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

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

27 10-119.

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

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

4 10-119.3.

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

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

11 10-1A-01.

12 (c) "Party" means:

13 (3) the Administration when:

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

#### 16 **Article - Health - General**

17 4-302.

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

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

22 4-306.

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

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



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

4 5-406.

5 (a) (2) Subject to the limitations imposed on nursing homes under [Article  
6 70B, § 5A of the Code] § **10-214 OF THE HUMAN SERVICES ARTICLE**, any other  
7 person who has control of a body may notify the Board if, after a reasonable search,  
8 the person has not found a person who will take control of the body for its final  
9 disposition.

10 7-703.

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

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

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

18 13-1010.

19 (b) The membership of a Community Health Coalition established under §  
20 13-1008(b) of this subtitle may include:

21 (1) Representatives of:

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

24 13-1111.

25 (b) The membership of a Community Health Coalition established under §  
26 13-1109(c) of this subtitle may include:

27 (1) Representatives of:

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

3 15–103.

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

5 (xiv) Maintain as part of the enrollee’s medical record the  
6 following information:

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

12 15–139.

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

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

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

22 (iii) Subject to adjustment in accordance with subsection (e) of  
23 this section.

24 15–303.

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

29 16–101.

1 (d) (2) “Cost of care” includes the cost of:

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

5 (e) (2) “Recipient of services” includes:

6 (iv) An individual to whom juvenile screening or treatment  
7 services are provided under [Article 83C, § 2–118(b)(1)(ii) of the Code] §  
8 **9–227(B)(1)(II) OF THE HUMAN SERVICES ARTICLE;** and

9 16–206.

10 (a) For juvenile screening and treatment services that a unit of the  
11 Department provides under [Article 83C, § 2–118(b)(1)(ii) of the Code] §  
12 **9–227(B)(1)(II) OF THE HUMAN SERVICES ARTICLE,** the Department shall bill and  
13 collect the cost of care as provided in this subtitle and as if the recipient of services  
14 were not a ward of this State.

15 (b) The Department of Juvenile Services shall pay for juvenile screening and  
16 treatment services that any person other than the Department provides under [Article  
17 83C, § 2–118 of the Code] § **9–227(B)(1)(II) OF THE HUMAN SERVICES ARTICLE.**  
18 However, the Department later shall bill and collect this cost of care as provided in  
19 this subtitle.

20 19–114.

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

22 (ii) For the purpose of providing an exemption from a certificate  
23 of need under § 19–120 of this subtitle, a facility to provide comprehensive care  
24 constructed by a provider of continuing care, as defined [by Article 70B of the Code] **IN**  
25 **§ 10–401 OF THE HUMAN SERVICES ARTICLE,** if:

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



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

4           (4)    The continuing care facility's skilled nursing unit is certified as a  
5 Medicare skilled nursing facility.

6 19-1409.

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

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

12 19-1801.

13           In this subtitle:

14           (2)    "Assisted living program" does not include:

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

18 19-1806.

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

21                   (3)    "Continuing care agreement" has the meaning stated in [Article  
22 70B of the Code] § **10-401 OF THE HUMAN SERVICES ARTICLE**.

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

1 (d) A continuing care agreement that contains a provision to provide assisted  
 2 living program services and does not require a subscriber to execute a separate  
 3 assisted living agreement to receive those services is not required to contain general or  
 4 specific contract provisions, except as required under [Article 70B of the Code] **TITLE**  
 5 **10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE**, that apply to assisted living  
 6 programs that are not subject to this section.

7 (e) (1) In addition to subsection (c) of this section, an assisted living  
 8 program subject to this section is not required to provide a disclosure statement  
 9 relating to its assisted living program separate from any disclosure statement required  
 10 by [Article 70B of the Code] **TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES**  
 11 **ARTICLE** for continuing care.

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

16 19–1901.

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

18 (5) A congregate housing services program regulated under [Article  
 19 70B of the Code] **TITLE 10, SUBTITLE 2 OF THE HUMAN SERVICES ARTICLE**;

20 **Article – Human Services**

21 **3–301.**

22 (a) In this section, “local executive authority” means:

23 (1) except as provided in item (2) of this subsection, the county  
 24 executive of a county that has a charter form of government;

25 (2) the County Council of Talbot County [or Wicomico County];

26 (3) the county commissioners of a county that does not have a charter  
 27 form of government; or

28 (4) the Mayor of Baltimore City.

29 **9–246.**



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

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

6 7-315.

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

8 (i) for emergency energy assistance provided under [Article 41,  
9 § 6-406(1) of the Code] § **6-307(A) OF THE HUMAN SERVICES ARTICLE**;

10 (ii) for energy assistance programs provided under [Article 41, §  
11 6-406(2) of the Code] § **6-307(B) OF THE HUMAN SERVICES ARTICLE**;

12 13-224.

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

16 (6) “Local department” means a local department of social services in a  
17 county or in Baltimore City created or continued under [the provisions of Article 88A,  
18 § 13 of the Code] § **3-201(A) OF THE HUMAN SERVICES ARTICLE**.

#### 19 **Article - State Government**

20 6-404.

21 The Unit shall:

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

25 6-406.

26 (c) Beginning in 2006, on or before November 30 of each year, the Unit shall  
27 report to the Special Secretary, the Secretary, the advisory boards established under  
28 [Article 83C, § 2-119 of the Code] § **9-230 OF THE HUMAN SERVICES ARTICLE**, the



1 Governor, and, in accordance with § 2-1246 of the State Government Article, the  
2 General Assembly, on all the activities of the Office and the actions taken by the  
3 Department in response to findings and recommendations of the Unit.

4 12-101.

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

7 (7) an employee of a county who is assigned to a local department of  
8 social services, including a Montgomery County employee who carries out State  
9 programs administered under [Article 88A, § 13A(b) of the Code] **TITLE 3, SUBTITLE**  
10 **4 OF THE HUMAN SERVICES ARTICLE;**

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

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

19 12-103.2.

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

24 12-401.

25 In this subtitle, “State personnel” means:

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

29 **Article – Tax – Property**

30 7-206.

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

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

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

7 **Article – Courts and Judicial Proceedings**

8 7-301.

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

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.