

# HOUSE BILL 500

F1, J1

9lr0786

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By: **Delegates Tarrant, Anderson, Branch, Carter, Conaway, Glenn, Hammen, Krysiak, Oaks, Robinson, Rosenberg, and Stukes**

Introduced and read first time: February 4, 2009

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore City – Medical Assistance Programs – Eligibility and Enrollment**  
3 **Information Mailings to Students**

4 FOR the purpose of requiring the State Department of Education and Baltimore  
5 HealthCare Access to enter into an agreement regarding the disclosure of  
6 certain information; specifying certain terms for the required agreement;  
7 requiring the Department to make certain disclosures to parents or guardians  
8 whose students are applying for the National School Lunch Program on or  
9 before a certain date; requiring the Department to disclose certain information  
10 regarding certain students in Baltimore City to Baltimore HealthCare Access on  
11 or before a certain date; requiring Baltimore HealthCare Access to send  
12 eligibility and enrollment information regarding the Maryland Medical  
13 Assistance Program and the Maryland Children’s Health Program to parents or  
14 guardians of certain students in Baltimore City who are eligible for the National  
15 School Lunch Program on or before a certain date; requiring Baltimore  
16 HealthCare Access to report to the General Assembly on or before a certain  
17 date; providing for the termination of this Act; and generally relating to  
18 eligibility and enrollment information mailings regarding certain medical  
19 assistance programs to students in Baltimore City.

20 BY adding to  
21 Article – Education  
22 Section 7–606  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume)

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

27 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **7-606.**

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

4 (2) "BHCA" MEANS BALTIMORE HEALTHCARE ACCESS, WHICH  
5 IS A QUASI-PUBLIC AGENCY OF THE BALTIMORE CITY HEALTH DEPARTMENT.

6 (3) "MCHP" MEANS THE MARYLAND CHILDREN'S HEALTH  
7 PROGRAM.

8 (4) "PROGRAM" MEANS THE MARYLAND MEDICAL ASSISTANCE  
9 PROGRAM.

10 (B) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE DEPARTMENT SHALL  
11 ENTER INTO A WRITTEN AGREEMENT WITH BALTIMORE HEALTHCARE ACCESS  
12 THAT:

13 (1) REQUIRES THE DEPARTMENT, IN CONJUNCTION WITH THE  
14 BALTIMORE CITY PUBLIC SCHOOL SYSTEM, TO DISCLOSE THE NAME, ADDRESS,  
15 AND ELIGIBILITY INFORMATION OF EACH STUDENT IN BALTIMORE CITY WHO  
16 APPLIES FOR THE NATIONAL SCHOOL LUNCH PROGRAM TO BHCA UNLESS THE  
17 PARENT OR GUARDIAN ELECTS NOT TO HAVE THE INFORMATION DISCLOSED;

18 (2) REQUIRES BHCA TO SEND ELIGIBILITY AND ENROLLMENT  
19 INFORMATION REGARDING THE PROGRAM AND MCHP TO THE PARENT OR  
20 GUARDIAN OF EVERY STUDENT WHOSE INFORMATION IS DISCLOSED TO BHCA;

21 (3) SPECIFIES THAT BHCA SHALL USE THE DISCLOSED  
22 INFORMATION ONLY TO SEND ELIGIBILITY AND ENROLLMENT INFORMATION  
23 REGARDING THE PROGRAM AND MCHP;

24 (4) DESCRIBES HOW THE DISCLOSED INFORMATION WILL BE  
25 PROTECTED FROM UNAUTHORIZED USE OR DISCLOSURE;

26 (5) DESCRIBES THE PENALTIES FOR UNAUTHORIZED USE OR  
27 DISCLOSURE; AND

28 (6) IS SIGNED BY BOTH THE PRESIDENT OF BHCA AND THE  
29 SECRETARY.

30 (C) ON OR BEFORE THE FIRST FRIDAY IN OCTOBER OF EACH YEAR, THE  
31 DEPARTMENT, IN CONJUNCTION WITH THE BALTIMORE CITY PUBLIC SCHOOL

1 **SYSTEM, SHALL NOTIFY, IN WRITING, EACH PARENT OR GUARDIAN IN**  
2 **BALTIMORE CITY WHOSE STUDENT IS APPLYING FOR THE NATIONAL SCHOOL**  
3 **LUNCH PROGRAM THAT:**

4 **(1) THE NAME, ADDRESS, AND ELIGIBILITY INFORMATION**  
5 **PROVIDED ON THE APPLICATION WILL BE DISCLOSED TO BHCA UNLESS THE**  
6 **PARENT OR GUARDIAN ELECTS NOT TO HAVE THE INFORMATION DISCLOSED;**

7 **(2) THE PARENT OR GUARDIAN IS NOT REQUIRED TO CONSENT TO**  
8 **DISCLOSURE;**

9 **(3) THE INFORMATION WILL BE USED ONLY TO SEND ELIGIBILITY**  
10 **AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND MCHP TO**  
11 **THE PARENT OR GUARDIAN; AND**

12 **(4) THE DECISION OF THE PARENT OR GUARDIAN WILL NOT**  
13 **AFFECT THE STUDENT'S ELIGIBILITY FOR THE NATIONAL SCHOOL LUNCH**  
14 **PROGRAM.**

15 **(D) ON OR BEFORE OCTOBER 31 OF EACH YEAR, THE DEPARTMENT**  
16 **SHALL DISCLOSE THE INFORMATION REFERRED TO IN SUBSECTION (B)(1) OF**  
17 **THIS SECTION TO BHCA.**

18 **(E) ON OR BEFORE DECEMBER 31 OF EACH YEAR, BHCA SHALL SEND**  
19 **ELIGIBILITY AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND**  
20 **MCHP TO PARENTS AND GUARDIANS IN ACCORDANCE WITH SUBSECTION (B)(2)**  
21 **OF THIS SECTION.**

22 **(F) ON OR BEFORE JUNE 30, 2011, BHCA SHALL REPORT TO THE**  
23 **GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE**  
24 **GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF THE ELIGIBILITY AND**  
25 **ENROLLMENT INFORMATION MAILINGS, INCLUDING, IN TOTAL AMOUNTS AND**  
26 **AMOUNTS BROKEN OUT BY SCHOOL YEAR, THE NUMBER OF PARENTS AND**  
27 **GUARDIANS RECEIVING THE ELIGIBILITY AND ENROLLMENT INFORMATION AND**  
28 **THE NUMBER OF STUDENTS AND PARENTS WHO WERE ENROLLED IN THE**  
29 **PROGRAM OR MCHP AS A RESULT OF THE REQUIREMENTS OF THIS SECTION.**

30 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
31 July 1, 2009. It shall remain effective for a period of 2 years and, at the end of June 30,  
32 2011, with no further action required by the General Assembly, this Act shall be  
33 abrogated and of no further force and effect.