

# 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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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2009

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

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

23 ~~By adding to~~  
24 ~~Article - Education~~

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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 ~~Section 7-606~~  
 2 ~~Annotated Code of Maryland~~  
 3 ~~(2008 Replacement Volume)~~

4 BY adding to  
 5 Article – Health – General  
 6 Section 15-305  
 7 Annotated Code of Maryland  
 8 (2005 Replacement Volume and 2008 Supplement)

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

11 **Article – ~~Education~~ Health – General**

12 **~~7-606.~~ 15-305.**

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

15 ~~(2) “BHCA” MEANS BALTIMORE HEALTHCARE ACCESS, WHICH~~  
 16 ~~IS A QUASI-PUBLIC AGENCY OF THE BALTIMORE CITY HEALTH DEPARTMENT.~~

17 ~~(3) “MCHP” MEANS THE MARYLAND CHILDREN’S HEALTH~~  
 18 ~~PROGRAM.~~

19 ~~(4) “PROGRAM” MEANS THE MARYLAND MEDICAL ASSISTANCE~~  
 20 ~~PROGRAM.~~

21 ~~(B) (A) ON OR BEFORE AUGUST 1 OF EACH YEAR, THE DEPARTMENT~~  
 22 ~~BALTIMORE CITY PUBLIC SCHOOL SYSTEM SHALL ENTER INTO A WRITTEN~~  
 23 ~~AGREEMENT WITH BALTIMORE HEALTHCARE ACCESS THE DEPARTMENT~~  
 24 ~~THAT:~~

25 (1) ~~REQUIRES THE DEPARTMENT, IN CONJUNCTION WITH THE~~  
 26 ~~BALTIMORE CITY PUBLIC SCHOOL SYSTEM, TO DISCLOSE THE NAME, ADDRESS,~~  
 27 ~~AND ELIGIBILITY INFORMATION OF EACH STUDENT IN BALTIMORE CITY WHO~~  
 28 ~~APPLIES FOR IS ENROLLED IN THE NATIONAL SCHOOL LUNCH PROGRAM TO~~  
 29 ~~BHCA THE DEPARTMENT UNLESS THE PARENT OR GUARDIAN ELECTS NOT TO~~  
 30 ~~HAVE THE INFORMATION DISCLOSED;~~

31 (2) ~~REQUIRES BHCA THE DEPARTMENT TO SEND ELIGIBILITY~~  
 32 ~~AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND MCHP THE~~  
 33 ~~MARYLAND CHILDREN’S HEALTH PROGRAM TO THE PARENT OR GUARDIAN OF~~  
 34 ~~EVERY STUDENT WHOSE INFORMATION IS DISCLOSED TO BHCA THE~~

1 DEPARTMENT AND WHO IS NOT ENROLLED IN THE PROGRAM OR THE  
2 MARYLAND CHILDREN'S HEALTH PROGRAM;

3 (3) SPECIFIES THAT ~~BHCA~~ THE DEPARTMENT SHALL USE THE  
4 DISCLOSED INFORMATION ONLY TO SEND ELIGIBILITY AND ENROLLMENT  
5 INFORMATION REGARDING THE PROGRAM AND ~~MCHP~~ THE MARYLAND  
6 CHILDREN'S HEALTH PROGRAM;

7 (4) DESCRIBES HOW THE DISCLOSED INFORMATION WILL BE  
8 PROTECTED FROM UNAUTHORIZED USE OR DISCLOSURE; AND

9 (5) DESCRIBES THE PENALTIES FOR UNAUTHORIZED USE OR  
10 DISCLOSURE; ~~AND~~

11 ~~(6) IS SIGNED BY BOTH THE PRESIDENT OF BHCA AND THE~~  
12 ~~SECRETARY.~~

13 ~~(C)~~ (B) ON OR BEFORE ~~THE FIRST FRIDAY IN OCTOBER~~ NOVEMBER 1  
14 OF EACH YEAR, THE DEPARTMENT, IN CONJUNCTION WITH THE BALTIMORE  
15 CITY PUBLIC SCHOOL SYSTEM, SHALL NOTIFY, IN WRITING, EACH PARENT OR  
16 GUARDIAN IN BALTIMORE CITY WHOSE STUDENT IS APPLYING FOR ENROLLED  
17 IN THE NATIONAL SCHOOL LUNCH PROGRAM THAT:

18 (1) THE NAME, ADDRESS, AND ELIGIBILITY INFORMATION  
19 PROVIDED ON THE APPLICATION WILL BE DISCLOSED TO ~~BHCA~~ THE  
20 DEPARTMENT UNLESS THE PARENT OR GUARDIAN ELECTS NOT TO HAVE THE  
21 INFORMATION DISCLOSED;

22 (2) THE PARENT OR GUARDIAN IS NOT REQUIRED TO CONSENT TO  
23 DISCLOSURE;

24 (3) THE INFORMATION WILL BE USED ONLY TO SEND ELIGIBILITY  
25 AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND ~~MCHP~~ THE  
26 MARYLAND CHILDREN'S HEALTH PROGRAM TO THE PARENT OR GUARDIAN;  
27 AND

28 (4) THE DECISION OF THE PARENT OR GUARDIAN WILL NOT  
29 AFFECT THE STUDENT'S ELIGIBILITY FOR THE NATIONAL SCHOOL LUNCH  
30 PROGRAM.

31 ~~(D) ON OR BEFORE OCTOBER 31 OF EACH YEAR, THE DEPARTMENT~~  
32 ~~SHALL DISCLOSE THE INFORMATION REFERRED TO IN SUBSECTION (B)(1) OF~~  
33 ~~THIS SECTION TO BHCA.~~

1           ~~(E)~~ (C)       ON OR BEFORE DECEMBER 31 OF EACH YEAR, ~~BHCA~~ THE  
 2 DEPARTMENT SHALL SEND ELIGIBILITY AND ENROLLMENT INFORMATION  
 3 REGARDING THE PROGRAM AND ~~MCHP~~ THE MARYLAND CHILDREN’S HEALTH  
 4 PROGRAM TO PARENTS AND GUARDIANS IN ACCORDANCE WITH SUBSECTION  
 5 ~~(B)(2)~~ (A)(2) OF THIS SECTION.

6           ~~(F)~~ (D)       ON OR BEFORE JUNE 30, 2011, ~~BHCA~~ THE DEPARTMENT  
 7 SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246  
 8 OF THE STATE GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF THE  
 9 ELIGIBILITY AND ENROLLMENT INFORMATION MAILINGS, INCLUDING, IN TOTAL  
 10 AMOUNTS AND AMOUNTS BROKEN OUT BY SCHOOL YEAR, THE NUMBER OF  
 11 PARENTS AND GUARDIANS RECEIVING THE ELIGIBILITY AND ENROLLMENT  
 12 INFORMATION AND THE NUMBER OF STUDENTS AND PARENTS WHO WERE  
 13 ENROLLED IN THE PROGRAM OR ~~MCHP~~ THE MARYLAND CHILDREN’S HEALTH  
 14 PROGRAM AS A RESULT OF THE REQUIREMENTS OF THIS SECTION.

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 16 July 1, 2009. It shall remain effective for a period of 2 years and, at the end of June 30,  
 17 2011, with no further action required by the General Assembly, this Act shall be  
 18 abrogated and of no further force and effect.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.