

## CHAPTER 400

(House Bill 500)

AN ACT concerning

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

FOR the purpose of requiring the ~~State Department of Education~~ Baltimore City Public School System and ~~Baltimore HealthCare Access~~ the Department of Health and Mental Hygiene to enter into an agreement regarding the disclosure of certain information; specifying certain terms for the required agreement; requiring the ~~Department~~ Baltimore City Public School System to make certain disclosures to parents or guardians whose students are ~~applying for~~ enrolled in the National School Lunch Program on or before a certain date each year; requiring the ~~Department~~ Baltimore City Public School System to disclose certain information regarding certain students in Baltimore City to ~~Baltimore HealthCare Access~~ the Department on or before a certain date each year; requiring ~~Baltimore HealthCare Access~~ the Department to send eligibility and enrollment information regarding the Maryland Medical Assistance Program and the Maryland Children’s Health Program to parents or guardians of certain students in Baltimore City who are ~~eligible for~~ enrolled in the National School Lunch Program on or before a certain date each year; requiring ~~Baltimore HealthCare Access~~ the Department to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to eligibility and enrollment information mailings regarding certain medical assistance programs to students in Baltimore City.

~~BY adding to~~

~~Article – Education  
Section 7-606  
Annotated Code of Maryland  
(2008 Replacement Volume)~~

BY adding to

Article – Health – General  
Section 15-305  
Annotated Code of Maryland  
(2005 Replacement Volume and 2008 Supplement)

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

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

~~7-606.~~ 15-305.

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

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

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

~~(4) "PROGRAM" MEANS THE MARYLAND MEDICAL ASSISTANCE PROGRAM.~~

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

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

(2) ~~REQUIRES BHCA~~ THE DEPARTMENT TO SEND ELIGIBILITY AND ENROLLMENT INFORMATION REGARDING THE PROGRAM AND ~~MCHP~~ THE MARYLAND CHILDREN'S HEALTH PROGRAM TO THE PARENT OR GUARDIAN OF EVERY STUDENT WHOSE INFORMATION IS DISCLOSED TO ~~BHCA~~ THE DEPARTMENT AND WHO IS NOT ENROLLED IN THE PROGRAM OR THE MARYLAND CHILDREN'S HEALTH PROGRAM;

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

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

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

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

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

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

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

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

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

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

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

~~(f)~~ (D) ON OR BEFORE JUNE 30, 2011, ~~BHCA~~ THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EFFECTIVENESS OF THE ELIGIBILITY AND ENROLLMENT INFORMATION MAILINGS, INCLUDING, IN TOTAL AMOUNTS AND AMOUNTS BROKEN OUT BY SCHOOL YEAR, THE NUMBER OF

**PARENTS AND GUARDIANS RECEIVING THE ELIGIBILITY AND ENROLLMENT INFORMATION AND THE NUMBER OF STUDENTS AND PARENTS WHO WERE ENROLLED IN THE PROGRAM OR ~~MCHIP~~ THE MARYLAND CHILDREN'S HEALTH PROGRAM AS A RESULT OF THE REQUIREMENTS OF THIS SECTION.**

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

**Approved by the Governor, May 7, 2009.**