

SENATE BILL 671

O1

7lr1170
CF HB 752

By: ~~Senators Kelley and Lee~~ Senators Kelley, Lee, Astle, Benson, Feldman, Hershey, Jennings, Klausmeier, Mathias, Middleton, Oaks, Reilly, and Rosapepe

Introduced and read first time: February 3, 2017
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 14, 2017

CHAPTER _____

1 AN ACT concerning

2 **Department of Human Resources – Public Assistance Eligibility – Financial**
3 **Records**

4 FOR the purpose of requiring the Department of Human Resources, on a showing by an
5 applicant that the applicant has been unable to obtain from a certain fiduciary
6 institution financial records necessary to establish the applicant's eligibility or
7 ineligibility for ~~public assistance~~ Medicaid benefits, to request and obtain the
8 records; requiring the Department to adopt certain regulations; and generally
9 relating to obtaining financial records to establish an individual's eligibility for
10 public assistance.

11 BY repealing and reenacting, with amendments,
12 Article – Human Services
13 Section 5–604
14 Annotated Code of Maryland
15 (2007 Volume and 2016 Supplement)

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

18 **Article – Human Services**

19 5–604.

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 (a) The Department may request and obtain from a fiduciary institution doing
2 business in the State any financial records that the Department determines are necessary
3 to verify or confirm an individual's eligibility or ineligibility for public assistance.

4 **(B) ON A SHOWING BY AN APPLICANT FOR LONG-TERM CARE MEDICAID**
5 **BENEFITS THAT THE APPLICANT HAS BEEN UNABLE TO OBTAIN FROM A FIDUCIARY**
6 **INSTITUTION DOING BUSINESS IN THE STATE FINANCIAL RECORDS RELATED TO**
7 **FINANCIAL AND REAL PROPERTY ASSETS NECESSARY TO ESTABLISH THE**
8 **APPLICANT'S ELIGIBILITY OR INELIGIBILITY FOR ~~PUBLIC ASSISTANCE~~ MEDICAID**
9 **BENEFITS, THE DEPARTMENT SHALL REQUEST ~~AND OBTAIN~~ THE RECORDS.**

10 **[(b)] (C)** (1) (i) The Department shall adopt regulations governing
11 procedures for requesting, obtaining, and examining financial records that the Department
12 determines are necessary to verify or confirm an individual's eligibility or ineligibility for
13 public assistance.

14 (ii) The regulations shall:

15 **1.** include reimbursement schedules necessary to
16 compensate fiduciary institutions for complying with this section; **AND**

17 **2.** **STATE THE REQUIREMENTS THAT AN APPLICANT**
18 **MUST SATISFY IN ORDER FOR THE DEPARTMENT TO REQUEST FINANCIAL RECORDS**
19 **UNDER SUBSECTION (B) OF THIS SECTION.**

20 (2) The Secretary shall notify a fiduciary institution of the officers or
21 employees of the Department who are authorized to request and receive financial records
22 from the fiduciary institution.

23 (3) An individual authorized to receive information under this section may
24 not disclose any personally identifiable information obtained or maintained under this
25 section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2017.