

SENATE BILL 1231

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8lr3617
CF HB 1615

By: **Senators Madaleno, Manno, Peters, and Zucker**

Introduced and read first time: March 1, 2018

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Human Services – Temporary Disability Assistance Program**

3 FOR the purpose of establishing the Temporary Disability Assistance Program in the
4 Department of Human Services; requiring the Family Investment Administration to
5 be the central coordinating and directing agency of the Program; establishing the
6 primary purpose of the Program; requiring the Program to be administered by the
7 local departments of social services in a certain manner; specifying the requirements
8 for entitlement to assistance under the Program; requiring an application for
9 assistance under the Program to be made in a certain manner and include a certain
10 medical form; requiring a local department to verify that certain requirements are
11 met and notify applicants of certain determinations; requiring local departments to
12 determine eligibility periods for recipients based on certain information; establishing
13 certain restrictions on the length of eligibility periods under certain circumstances;
14 authorizing a local department to establish certain additional eligibility periods
15 under certain circumstances; requiring a local department to adjust the eligibility
16 period under certain circumstances; providing for the automatic end of a recipient's
17 eligibility for assistance; requiring assistance to be paid to an applicant in a certain
18 manner; requiring the monthly allowable assistance under the Program to equal
19 certain percentages of a certain benefit in certain fiscal years; requiring the
20 Administration to supervise the administration of the Program and adopt certain
21 regulations; stating the intent of the General Assembly; defining certain terms; and
22 generally relating to the Temporary Disability Assistance Program.

23 BY repealing and reenacting, without amendments,

24 Article – Human Services

25 Section 5–201

26 Annotated Code of Maryland

27 (2007 Volume and 2017 Supplement)

28 BY repealing and reenacting, with amendments,

29 Article – Human Services

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 5–205(a)
2 Annotated Code of Maryland
3 (2007 Volume and 2017 Supplement)

4 BY adding to
5 Article – Human Services
6 Section 5–5B–01 through 5–5B–09 to be under the new subtitle “Subtitle 5B.
7 Temporary Disability Assistance Program”
8 Annotated Code of Maryland
9 (2007 Volume and 2017 Supplement)

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

12 **Article – Human Services**

13 5–201.

14 There is a Family Investment Administration in the Department.

15 5–205.

16 (a) The Administration shall be the central coordinating and directing agency of
17 all public assistance programs in the State, including:

18 (1) the Family Investment Program and related cash benefit programs;

19 (2) public assistance to adults;

20 (3) emergency assistance;

21 (4) food stamps;

22 (5) medical assistance eligibility determinations;

23 (6) the Energy Assistance Program; [and]

24 **(7) THE TEMPORARY DISABILITY ASSISTANCE PROGRAM; AND**

25 **[(7)] (8)** any other public assistance activities financed wholly or partly
26 by the Administration.

27 **SUBTITLE 5B. TEMPORARY DISABILITY ASSISTANCE PROGRAM.**

28 **5–5B–01.**

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

3 (B) "APPLICANT" MEANS AN INDIVIDUAL WHO APPLIES FOR ASSISTANCE
4 UNDER THIS SUBTITLE.

5 (C) "ASSISTANCE" MEANS CASH PAYMENTS MADE TO A RECIPIENT.

6 (D) "ELIGIBILITY PERIOD" MEANS THE PERIOD OF TIME AN INDIVIDUAL IS
7 ELIGIBLE FOR ASSISTANCE UNDER THIS SUBTITLE.

8 (E) "IMPAIRMENT" MEANS A MEDICALLY VERIFIED MENTAL OR PHYSICAL
9 CONDITION THAT RENDERS AN INDIVIDUAL UNABLE TO WORK AT ANY OCCUPATION.

10 (F) "PROGRAM" MEANS THE TEMPORARY DISABILITY ASSISTANCE
11 PROGRAM.

12 (G) "RECIPIENT" MEANS AN INDIVIDUAL WHO RECEIVES, OR HAS
13 RECEIVED, ASSISTANCE UNDER THIS SUBTITLE.

14 **5-5B-02.**

15 (A) THERE IS A STATE-FUNDED TEMPORARY DISABILITY ASSISTANCE
16 PROGRAM IN THE DEPARTMENT.

17 (B) THE PRIMARY PURPOSE OF THE PROGRAM IS TO PROVIDE ASSISTANCE
18 TO LOW-INCOME DISABLED ADULTS WHO ARE INELIGIBLE FOR OTHER CATEGORIES
19 OF ASSISTANCE.

20 (C) THE PROGRAM SHALL BE:

21 (1) IN EFFECT IN EACH COUNTY; AND

22 (2) ADMINISTERED BY THE LOCAL DEPARTMENTS IN ACCORDANCE
23 WITH REGULATIONS THAT THE ADMINISTRATION ADOPTS.

24 **5-5B-03.**

25 SUBJECT TO § 5-5B-04 OF THIS SUBTITLE, AN APPLICANT IS ENTITLED TO
26 ASSISTANCE UNDER THIS SUBTITLE IF THE APPLICANT IS:

27 (1) A CITIZEN OF THE UNITED STATES OR A QUALIFIED ALIEN AS
28 DETERMINED BY THE ADMINISTRATION;

1 **(2) A RESIDENT OF THE STATE AND THE JURISDICTION SERVED BY**
2 **THE LOCAL DEPARTMENT AT THE TIME OF APPLICATION;**

3 **(3) UNEMPLOYED;**

4 **(4) NOT RECEIVING ANY OTHER MEANS-TESTED CASH ASSISTANCE;**
5 **AND**

6 **(5) DETERMINED, BASED ON THE MEDICAL FORM REQUIRED UNDER §**
7 **5-5B-05 OF THIS SUBTITLE, TO HAVE AN IMPAIRMENT THAT IS EXPECTED TO LAST**
8 **AT LEAST 3 MONTHS.**

9 **5-5B-04.**

10 **(A) IF AN APPLICANT HAS AN IMPAIRMENT THAT IS EXPECTED TO LAST AT**
11 **LEAST 12 MONTHS, THE APPLICANT SHALL:**

12 **(1) PURSUE SUPPLEMENTAL SECURITY INCOME; AND**

13 **(2) SIGN AN INTERIM PAYMENT REIMBURSEMENT AUTHORIZATION**
14 **THAT:**

15 **(I) GIVES THE SOCIAL SECURITY ADMINISTRATION**
16 **AUTHORITY TO MAIL THE APPLICANT'S PAYMENTS TO THE DEPARTMENT OR THE**
17 **LOCAL DEPARTMENT; AND**

18 **(II) AUTHORIZES THE DEPARTMENT OR LOCAL DEPARTMENT**
19 **TO DEDUCT FROM THE PAYMENTS AN AMOUNT EQUAL TO THE ASSISTANCE GRANTED**
20 **THE APPLICANT UNDER THIS SUBTITLE.**

21 **(B) A RECIPIENT WHO IS OTHERWISE ELIGIBLE UNDER THIS SUBTITLE MAY**
22 **NOT RECEIVE ASSISTANCE FOR MORE THAN 9 MONTHS IN A 36-MONTH PERIOD,**
23 **UNLESS THE RECIPIENT:**

24 **(1) HAS BEEN CERTIFIED AS MEDICALLY DISABLED BY A LICENSED**
25 **HEALTH CARE PROVIDER ON THE MEDICAL FORM REQUIRED UNDER § 5-5B-05 OF**
26 **THIS SUBTITLE; AND**

27 **(2) HAS A PENDING APPLICATION FOR SUPPLEMENTAL SECURITY**
28 **INCOME THAT HAS NOT BEEN WITHDRAWN OR FINALLY DENIED.**

29 **5-5B-05.**

1 (A) AN APPLICATION FOR ASSISTANCE UNDER THIS SUBTITLE SHALL BE
2 MADE:

3 (1) TO THE LOCAL DEPARTMENT OF THE COUNTY WHERE THE
4 APPLICANT RESIDES; AND

5 (2) IN THE FORM AND MANNER THAT THE ADMINISTRATION
6 REQUIRES.

7 (B) AN APPLICATION FOR ASSISTANCE UNDER THIS SUBTITLE SHALL
8 INCLUDE A MEDICAL FORM THAT:

9 (1) CONTAINS THE NAME AND ESTIMATED DURATION OF THE
10 APPLICANT'S IMPAIRMENT; AND

11 (2) IS SIGNED BY A LICENSED HEALTH CARE PROVIDER.

12 **5-5B-06.**

13 (A) IN DETERMINING WHETHER AN APPLICANT QUALIFIES FOR ASSISTANCE
14 UNDER THIS SUBTITLE, THE LOCAL DEPARTMENT SHALL EVALUATE WHETHER THE
15 APPLICANT MEETS THE CRITERIA LISTED UNDER § 5-5B-03 OF THIS SUBTITLE.

16 (B) THE LOCAL DEPARTMENT SHALL NOTIFY THE APPLICANT OF ITS
17 DETERMINATION UNDER SUBSECTION (A) OF THIS SECTION.

18 **5-5B-07.**

19 (A) THE LOCAL DEPARTMENT SHALL DETERMINE AN ELIGIBILITY PERIOD
20 FOR A RECIPIENT BASED ON THE ESTIMATED DURATION OF THE IMPAIRMENT
21 INDICATED IN THE MEDICAL FORM REQUIRED UNDER § 5-5B-05 OF THIS SUBTITLE.

22 (B) THE ELIGIBILITY PERIOD DETERMINED BY THE LOCAL DEPARTMENT:

23 (1) MAY BE LESS THAN THE ESTIMATED RECOVERY TIME INDICATED
24 ON THE MEDICAL FORM; AND

25 (2) MAY NOT EXCEED THE ESTIMATED RECOVERY TIME INDICATED
26 ON THE MEDICAL FORM.

27 (C) IF A LOCAL DEPARTMENT DETERMINES THAT A RECIPIENT'S
28 ELIGIBILITY PERIOD IS AT LEAST 3 MONTHS, BUT LESS THAN 12 MONTHS, THE

1 RECIPIENT SHALL BE ELIGIBLE FOR ASSISTANCE FOR NOT MORE THAN 9 MONTHS IN
2 A 36-MONTH PERIOD.

3 (D) (1) IF THE LOCAL DEPARTMENT DETERMINES THAT A RECIPIENT IS
4 UNLIKELY TO RECOVER IN LESS THAN 12 MONTHS, THE RECIPIENT SHALL BE
5 ELIGIBLE FOR ASSISTANCE FOR NOT MORE THAN 12 MONTHS IF THE RECIPIENT:

6 (I) PURSUES SUPPLEMENTAL SECURITY INCOME; AND

7 (II) OTHERWISE REMAINS ELIGIBLE FOR ASSISTANCE UNDER
8 THIS SUBTITLE.

9 (2) THE LOCAL DEPARTMENT MAY ESTABLISH ADDITIONAL
10 ELIGIBILITY PERIODS, EACH NOT EXCEEDING 12 MONTHS, IF THE RECIPIENT:

11 (I) REAPPLIES FOR ASSISTANCE UNDER THIS SUBTITLE;

12 (II) MAINTAINS ELIGIBILITY; AND

13 (III) CONTINUES TO PURSUE A SUPPLEMENTAL SECURITY
14 INCOME CLAIM.

15 (3) THE LOCAL DEPARTMENT SHALL ADJUST THE ELIGIBILITY
16 PERIOD FOR A RECIPIENT TO BE NOT MORE THAN 9 MONTHS IN A 36-MONTH PERIOD
17 IF THE RECIPIENT:

18 (I) WITHDRAWS THE RECIPIENT'S APPLICATION FOR
19 SUPPLEMENTAL SECURITY INCOME; OR

20 (II) IS DENIED THE SUPPLEMENTAL SECURITY INCOME CLAIM.

21 (E) UNLESS A RECIPIENT REAPPLIES FOR ASSISTANCE AND THE LOCAL
22 DEPARTMENT ESTABLISHES AN ADDITIONAL ELIGIBILITY PERIOD, A RECIPIENT'S
23 ELIGIBILITY FOR ASSISTANCE UNDER THIS SUBTITLE WILL AUTOMATICALLY END AT
24 THE END OF THE ELIGIBILITY PERIOD ESTABLISHED BY THE LOCAL DEPARTMENT.

25 (F) IF A RECIPIENT IS ELIGIBLE FOR ANY PORTION OF A MONTH, THE
26 RECIPIENT SHALL BE ELIGIBLE FOR THE ENTIRE MONTH.

27 5-5B-08.

28 (A) THE GOVERNOR SHALL PROVIDE SUFFICIENT FUNDS IN THE BUDGET
29 TO ENSURE THAT THE VALUE OF THE MAXIMUM MONTHLY ALLOWABLE ASSISTANCE

1 UNDER THE PROGRAM IS:

2 (1) FOR FISCAL YEAR 2020, EQUAL TO 75% OF THE MONTHLY
3 ALLOWABLE BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING TEMPORARY
4 CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR
5 2020;

6 (2) FOR FISCAL YEAR 2021, EQUAL TO 85% OF THE MONTHLY
7 ALLOWABLE BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING TEMPORARY
8 CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR
9 2021; AND

10 (3) FOR FISCAL YEAR 2022 AND EACH FISCAL YEAR THEREAFTER,
11 EQUAL TO THE MONTHLY ALLOWABLE BENEFIT FOR A ONE-PERSON HOUSEHOLD
12 RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT
13 PROGRAM IN THAT FISCAL YEAR.

14 (B) ASSISTANCE SHALL BE PAID TO THE APPLICANT MONTHLY.

15 5-5B-09.

16 THE ADMINISTRATION SHALL:

17 (1) SUPERVISE THE ADMINISTRATION OF THE PROGRAM UNDER THIS
18 SUBTITLE BY THE LOCAL DEPARTMENTS; AND

19 (2) ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT
20 THIS SUBTITLE.

21 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
22 Assembly that the eligibility requirements for the Temporary Disability Assistance
23 Program, codified under Section 1 of this Act and previously established under COMAR
24 07.03.05, are not made more restrictive than at the time this Act is enacted.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2018.