

# SENATE BILL 1231

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CF HB 1615

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

Introduced and read first time: March 1, 2018

Assigned to: Rules

Re-referred to: Finance, March 16, 2018

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 28, 2018

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

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 a  
19 certain amount in a certain fiscal year; requiring the monthly allowable assistance  
20 under the Program to equal at least certain percentages of a certain benefit in certain  
21 fiscal years; requiring the Administration to supervise the administration of the  
22 Program and adopt certain regulations; stating the intent of the General Assembly;  
23 defining certain terms; and generally relating to the Temporary Disability  
24 Assistance Program.

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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 BY repealing and reenacting, without amendments,  
2 Article – Human Services  
3 Section 5–201  
4 Annotated Code of Maryland  
5 (2007 Volume and 2017 Supplement)

6 BY repealing and reenacting, with amendments,  
7 Article – Human Services  
8 Section 5–205(a)  
9 Annotated Code of Maryland  
10 (2007 Volume and 2017 Supplement)

11 BY adding to  
12 Article – Human Services  
13 Section 5–5B–01 through 5–5B–09 to be under the new subtitle “Subtitle 5B.  
14 Temporary Disability Assistance Program”  
15 Annotated Code of Maryland  
16 (2007 Volume and 2017 Supplement)

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

19 **Article – Human Services**

20 5–201.

21 There is a Family Investment Administration in the Department.

22 5–205.

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

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

26 (2) public assistance to adults;

27 (3) emergency assistance;

28 (4) food stamps;

29 (5) medical assistance eligibility determinations;

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

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

1            ~~[(7)] (8)~~ any other public assistance activities financed wholly or partly  
2 by the Administration.

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

4            **5-5B-01.**

5            (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.

7            (B) “APPLICANT” MEANS AN INDIVIDUAL WHO APPLIES FOR ASSISTANCE  
8 UNDER THIS SUBTITLE.

9            (C) “ASSISTANCE” MEANS CASH PAYMENTS MADE TO A RECIPIENT.

10           (D) “ELIGIBILITY PERIOD” MEANS THE PERIOD OF TIME AN INDIVIDUAL IS  
11 ELIGIBLE FOR ASSISTANCE UNDER THIS SUBTITLE.

12           (E) “IMPAIRMENT” MEANS A MEDICALLY VERIFIED MENTAL OR PHYSICAL  
13 CONDITION THAT RENDERS AN INDIVIDUAL UNABLE TO WORK AT ANY OCCUPATION.

14           (F) “PROGRAM” MEANS THE TEMPORARY DISABILITY ASSISTANCE  
15 PROGRAM.

16           (G) “RECIPIENT” MEANS AN INDIVIDUAL WHO RECEIVES, OR HAS  
17 RECEIVED, ASSISTANCE UNDER THIS SUBTITLE.

18           **5-5B-02.**

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

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

24           (C) THE PROGRAM SHALL BE:

25                (1) IN EFFECT IN EACH COUNTY; AND

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

28           **5-5B-03.**

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

3           **(1) A CITIZEN OF THE UNITED STATES OR A QUALIFIED ALIEN AS**  
4 **DETERMINED BY THE ADMINISTRATION;**

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

7           **(3) UNEMPLOYED;**

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

10           **(5) DETERMINED, BASED ON THE MEDICAL FORM REQUIRED UNDER §**  
11 **5-5B-05 OF THIS SUBTITLE, TO HAVE AN IMPAIRMENT THAT IS EXPECTED TO LAST**  
12 **AT LEAST 3 MONTHS.**

13 **5-5B-04.**

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

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

17           **(2) SIGN AN INTERIM PAYMENT REIMBURSEMENT AUTHORIZATION**  
18 **THAT:**

19           **(I) GIVES THE SOCIAL SECURITY ADMINISTRATION**  
20 **AUTHORITY TO MAIL THE APPLICANT'S PAYMENTS TO THE DEPARTMENT OR THE**  
21 **LOCAL DEPARTMENT; AND**

22           **(II) AUTHORIZES THE DEPARTMENT OR LOCAL DEPARTMENT**  
23 **TO DEDUCT FROM THE PAYMENTS AN AMOUNT EQUAL TO THE ASSISTANCE GRANTED**  
24 **THE APPLICANT UNDER THIS SUBTITLE.**

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

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

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

3 **5-5B-05.**

4           (A) AN APPLICATION FOR ASSISTANCE UNDER THIS SUBTITLE SHALL BE  
5 MADE:

6           (1) TO THE LOCAL DEPARTMENT OF THE COUNTY WHERE THE  
7 APPLICANT RESIDES; AND

8           (2) IN THE FORM AND MANNER THAT THE ADMINISTRATION  
9 REQUIRES.

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

12          (1) CONTAINS THE NAME AND ESTIMATED DURATION OF THE  
13 APPLICANT'S IMPAIRMENT; AND

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

15 **5-5B-06.**

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

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

21 **5-5B-07.**

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

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

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

28          (2) MAY NOT EXCEED THE ESTIMATED RECOVERY TIME INDICATED  
29 ON THE MEDICAL FORM.

1           **(C) IF A LOCAL DEPARTMENT DETERMINES THAT A RECIPIENT'S**  
2 **ELIGIBILITY PERIOD IS AT LEAST 3 MONTHS, BUT LESS THAN 12 MONTHS, THE**  
3 **RECIPIENT SHALL BE ELIGIBLE FOR ASSISTANCE FOR NOT MORE THAN 9 MONTHS IN**  
4 **A 36-MONTH PERIOD.**

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

8                   **(I) PURSUES SUPPLEMENTAL SECURITY INCOME; AND**

9                   **(II) OTHERWISE REMAINS ELIGIBLE FOR ASSISTANCE UNDER**  
10 **THIS SUBTITLE.**

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

13                   **(I) REAPPLIES FOR ASSISTANCE UNDER THIS SUBTITLE;**

14                   **(II) MAINTAINS ELIGIBILITY; AND**

15                   **(III) CONTINUES TO PURSUE A SUPPLEMENTAL SECURITY**  
16 **INCOME CLAIM.**

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

20                   **(I) WITHDRAWS THE RECIPIENT'S APPLICATION FOR**  
21 **SUPPLEMENTAL SECURITY INCOME; OR**

22                   **(II) IS DENIED THE SUPPLEMENTAL SECURITY INCOME CLAIM.**

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

27           **(F) IF A RECIPIENT IS ELIGIBLE FOR ANY PORTION OF A MONTH, THE**  
28 **RECIPIENT SHALL BE ELIGIBLE FOR THE ENTIRE MONTH.**

29 **5-5B-08.**

1 (A) THE GOVERNOR SHALL PROVIDE SUFFICIENT FUNDS IN THE BUDGET  
2 TO ENSURE THAT THE VALUE OF THE MAXIMUM MONTHLY ALLOWABLE ASSISTANCE  
3 UNDER THE PROGRAM IS EQUAL TO AT LEAST:

4 (1) FOR FISCAL YEAR 2020, ~~EQUAL TO 75% OF THE MONTHLY~~  
5 ~~ALLOWABLE BENEFIT FOR A ONE PERSON HOUSEHOLD RECEIVING TEMPORARY~~  
6 ~~CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR~~  
7 ~~2020~~ \$215;

8 (2) FOR FISCAL YEAR 2021, ~~EQUAL TO 85%~~ 74% OF THE MONTHLY  
9 ALLOWABLE BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING TEMPORARY  
10 CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR  
11 ~~2021; AND~~

12 (3) FOR FISCAL YEAR 2022 ~~AND EACH FISCAL YEAR THEREAFTER,~~  
13 ~~EQUAL TO, 78%~~ OF THE MONTHLY ALLOWABLE BENEFIT FOR A ONE-PERSON  
14 HOUSEHOLD RECEIVING TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY  
15 INVESTMENT PROGRAM IN ~~THAT FISCAL YEAR~~ FISCAL YEAR 2022;

16 (4) FOR FISCAL YEAR 2023, 82% OF THE MONTHLY ALLOWABLE  
17 BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING TEMPORARY CASH  
18 ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2023;

19 (5) FOR FISCAL YEAR 2024, 86% OF THE MONTHLY ALLOWABLE  
20 BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING TEMPORARY CASH  
21 ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2024;

22 (6) FOR FISCAL YEAR 2025, 90% OF THE MONTHLY ALLOWABLE  
23 BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING TEMPORARY CASH  
24 ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2025;

25 (7) FOR FISCAL YEAR 2026, 94% OF THE MONTHLY ALLOWABLE  
26 BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING TEMPORARY CASH  
27 ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM IN FISCAL YEAR 2026;  
28 AND

29 (8) FOR FISCAL YEAR 2027 AND EACH YEAR THEREAFTER, 100% OF  
30 THE MONTHLY ALLOWABLE BENEFIT FOR A ONE-PERSON HOUSEHOLD RECEIVING  
31 TEMPORARY CASH ASSISTANCE THROUGH THE FAMILY INVESTMENT PROGRAM FOR  
32 THAT FISCAL YEAR.

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

1           **THE ADMINISTRATION SHALL:**

2                   **(1) SUPERVISE THE ADMINISTRATION OF THE PROGRAM UNDER THIS**  
3 **SUBTITLE BY THE LOCAL DEPARTMENTS; AND**

4                   **(2) ADOPT REGULATIONS NECESSARY OR DESIRABLE TO CARRY OUT**  
5 **THIS SUBTITLE.**

6           SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General  
7 Assembly that the eligibility requirements for the Temporary Disability Assistance  
8 Program, codified under Section 1 of this Act and previously established under COMAR  
9 07.03.05, are not made more restrictive than at the time this Act is enacted.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.