

# HOUSE BILL 1189

C5, O1, M5

9lr2877  
CF SB 425

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By: **Delegates Carey, Bromwell, and P. Young**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2019

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

1 AN ACT concerning

2 **Home Energy Assistance – Critical Medical Needs Program**

3 FOR the purpose of establishing the Critical Medical Needs Program in the Office of Home  
4 Energy Programs of the Family Investment Administration within the Department  
5 of Human Services; requiring the Office to implement and administer the Program;  
6 requiring the Office to partner with certain agencies and organizations in  
7 administering the Program; stating the purpose of the Program; specifying the  
8 function of the Program; specifying the duties of the Office in administering the  
9 Program; requiring the Department to adopt certain regulations; defining certain  
10 terms; and generally relating to the Critical Medical Needs Program.

11 BY renumbering

12 Article – Human Services

13 Section 5–5A–08

14 to be Section 5–5A–09

15 Annotated Code of Maryland

16 (2007 Volume and 2018 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Human Services

19 Section 5–5A–01(a), (d), and (e), 5–5A–02, 5–5A–06, and 5–5A–07

20 Annotated Code of Maryland

21 (2007 Volume and 2018 Supplement)

22 BY adding to

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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 Article – Human Services  
2 Section 5–5A–08  
3 Annotated Code of Maryland  
4 (2007 Volume and 2018 Supplement)

5 Preamble

6 WHEREAS, The State has long recognized the vital importance of electricity and  
7 heating for all households in Maryland; and

8 WHEREAS, The State has recognized that limited income households have  
9 additional challenges in paying their energy bills in full and in a timely manner; and

10 WHEREAS, The Public Service Commission is required to adopt regulations related  
11 to the termination of service to low–income customers, and provide annual reports to the  
12 General Assembly regarding the best way to address the problem of assuring adequate gas  
13 and electric service for low–income residential customers; and

14 WHEREAS, The State has established an Electric Universal Service Program to  
15 provide assistance with electricity bills to low–income households, as a supplement to the  
16 federally funded Low–Income Heating and Energy Assistance Program, and required the  
17 Public Service Commission to provide annual reports to the General Assembly on the  
18 projected needs of low–income households for bill and arrearage assistance; and

19 WHEREAS, The State has provided assistance to low–income households to reduce  
20 energy usage, and therefore energy bills, through its administration of the federally funded  
21 Weatherization Assistance Program and the EmPOWER Maryland Program; and

22 WHEREAS, Government agencies and nonprofit organizations have found that  
23 additional challenges with energy bills exist for individuals with critical medical needs and  
24 limited or reduced household income; and

25 WHEREAS, The loss of electricity or heat can aggravate an existing serious illness  
26 or prevent the use of life–support equipment for a household member, thereby posing an  
27 actual threat to a person’s health and safety; and

28 WHEREAS, The typical processing times for energy assistance applications can  
29 result in loss of service or extend a period of service loss to the detriment of these  
30 individuals’ health and well–being; and

31 WHEREAS, In response to concerns about the serious health impacts of service loss  
32 on medically vulnerable individuals, the Office of People’s Counsel, the Cancer Support  
33 Foundation, certain gas and electric companies, the Office of Home Energy Programs of the  
34 Family Investment Administration within the Department of Human Services, the  
35 Department of Housing and Community Development, and certain nonprofit organizations  
36 established a Critical Medical Needs Pilot Program in 2015 through a cooperative  
37 partnership; and

1 WHEREAS, The partners developed this pilot program with the goal of expediting  
2 assistance to medically vulnerable individuals, continuing or restoring energy services to  
3 these households, and reducing barriers to the energy assistance application process by  
4 training navigators, who are representatives of medical facilities and assistance agencies  
5 and organizations, to assist in expediting the energy assistance application process; and

6 WHEREAS, 200 navigators have been trained since the pilot program's inception by  
7 the partners to provide assistance to medically vulnerable individuals and their  
8 households, and another 300 navigators from various agencies and medical facilities are  
9 waiting for training based on their expressed interest; and

10 WHEREAS, The pilot program has been successful in delivering expedited  
11 assistance to maintain or restore energy services to medically vulnerable individuals; and

12 WHEREAS, While the pilot program has been successful, it operates only in certain  
13 gas and electric service territories in the State, and the lack of status as a formal agency  
14 program acts as an impediment to statewide extension of the program, to training of  
15 additional navigators throughout the State, and to the assurance that the success in  
16 delivery of expedited assistance can be maintained; and

17 WHEREAS, A formal agency program to remove barriers to the energy assistance  
18 application process and to expedite access to assistance for medically vulnerable households  
19 would help to maintain or restore energy services and, thereby, avoid adverse health  
20 impacts for household members with critical medical needs; now, therefore,

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
22 That Section(s) 5-5A-08 of Article – Human Services of the Annotated Code of Maryland  
23 be renumbered to be Section(s) 5-5A-09.

24 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
25 as follows:

26 **Article – Human Services**

27 5-5A-01.

28 (a) In this subtitle the following words have the meanings indicated.

29 (d) “Office” means the Office of Home Energy Programs.

30 (e) “Program” means the Energy Assistance Program.

31 5-5A-02.

32 There is an Office of Home Energy Programs in the Administration.

1 5-5A-06.

2 (a) (1) The Office shall maintain liaison with:

3 (i) the United States Department of Health and Human Services;

4 (ii) local government units concerned with energy programs;

5 (iii) citizens' groups;

6 (iv) utility vendors and major fuel vendors in the State; and

7 (v) any other state, federal, and local units.

8 (2) The Office shall:

9 (i) consult with and advise the local entities described in paragraph  
10 (1) of this subsection regarding their energy assistance programs;

11 (ii) work at all levels of government to carry out this subtitle; and

12 (iii) consult with all utility vendors and major fuel vendors in the  
13 State when developing and implementing the Program.

14 (b) The Office shall:

15 (1) collect and assemble information relating to energy assistance available  
16 from other units of the State and federal governments;

17 (2) disseminate information to further energy assistance;

18 (3) identify all utility vendors and major fuel vendors in the State and  
19 attempt to obtain their voluntary cooperation with the Program;

20 (4) establish and maintain a State information service that utilizes a  
21 toll-free telephone number to provide the public with information about the Program and  
22 the location of the nearest local energy assistance office; and

23 (5) establish a mechanism for monitoring the effectiveness of the Program  
24 to determine whether eligible households are aware of and have access to a local energy  
25 assistance office.

26 (c) (1) Consistent with this subtitle and other applicable laws, the Office may  
27 enter into contracts or assume any other function necessary to carry out this subtitle.

28 (2) The Office may enter into contracts for any study or research activity  
29 that is necessary and proper.

1 5-5A-07.

2 (a) (1) The Office shall:

3 (i) carry out an energy emergency crisis intervention program to  
4 prevent low-income households, including the near poor, the elderly, households with  
5 children, and those on fixed incomes from experiencing danger to health or survival as a  
6 result of an energy emergency;

7 (ii) establish intake procedures for those experiencing an energy  
8 emergency;

9 (iii) establish guidelines for the income and program eligibility of  
10 applicants; and

11 (iv) identify local public or private agencies to administer the crisis  
12 intervention program.

13 (2) (i) The Office shall make payments to fuel vendors and utility  
14 vendors that have provided service to persons qualifying for the crisis intervention  
15 program.

16 (ii) The amount of assistance shall be based on need.

17 (b) (1) The Office shall carry out one or more fuel and utility assistance  
18 programs to make payments on behalf of qualified households to defray fuel and utility  
19 costs.

20 (2) The Office shall determine program and income eligibility guidelines.

21 (3) The amount of assistance shall be based on need.

22 **5-5A-08.**

23 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
24 **INDICATED.**

25 **(2) "CMN PROGRAM" MEANS THE CRITICAL MEDICAL NEEDS**  
26 **PROGRAM ESTABLISHED UNDER THIS SECTION.**

27 **(3) "CRITICAL MEDICALLY VULNERABLE INDIVIDUAL" MEANS AN**  
28 **INDIVIDUAL WHO:**

29 **(I) HAS A SEVERE HEALTH CONDITION THAT WILL BE**  
30 **AGGRAVATED DUE TO THE TERMINATION OR NONCONTINUATION OF ELECTRIC OR**

1 GAS SERVICE OR NEEDS THE USE OF LIFE-SUPPORT EQUIPMENT AS DOCUMENTED  
2 AND CERTIFIED IN ACCORDANCE WITH REGULATIONS ON A CERTIFICATION OF  
3 SERIOUS ILLNESS OR LIFE SUPPORT FORM SUBMITTED TO THE APPROPRIATE  
4 ELECTRIC OR GAS COMPANY;

5 (II) HAS OR WILL HAVE THEIR ELECTRIC OR GAS SERVICE  
6 TERMINATED FOR NONPAYMENT; AND

7 (III) IS UNABLE TO COMPLETE THE ENERGY ASSISTANCE  
8 APPLICATIONS UNDER AVAILABLE ENERGY ASSISTANCE PROGRAMS, INCLUDING  
9 ENERGY EFFICIENCY PROGRAMS OFFERED BY THE DEPARTMENT OF HOUSING AND  
10 COMMUNITY DEVELOPMENT.

11 (4) "NAVIGATOR" MEANS A REPRESENTATIVE FROM A MEDICAL  
12 FACILITY OR FROM A PUBLIC OR PRIVATE ASSISTANCE AGENCY OR ORGANIZATION  
13 WHO:

14 (I) IS IN PERSONAL CONTACT WITH A CRITICAL MEDICALLY  
15 VULNERABLE INDIVIDUAL; AND

16 (II) ASSISTS THE CRITICAL MEDICALLY VULNERABLE  
17 INDIVIDUAL IN THE ENERGY ASSISTANCE APPLICATION PROCESS.

18 (B) (1) THERE IS A CMN PROGRAM IN THE OFFICE.

19 (2) THE OFFICE SHALL IMPLEMENT AND ADMINISTER THE CMN  
20 PROGRAM.

21 (3) IN ADMINISTERING THE CMN PROGRAM, THE OFFICE SHALL  
22 PARTNER WITH THE OFFICE OF PEOPLE'S COUNSEL, THE FUEL FUND OF CENTRAL  
23 MARYLAND, THE CANCER SUPPORT FOUNDATION, ELECTRIC AND GAS COMPANIES,  
24 NONPROFIT ORGANIZATIONS, OTHER STATE AGENCIES, THE HEALTH CARE  
25 COMMUNITY, AND ANY OTHER ORGANIZATION THAT THE OFFICE DETERMINES  
26 APPROPRIATE.

27 (4) THE PURPOSE OF THE CMN PROGRAM IS TO REDUCE THE  
28 BARRIERS TO THE ENERGY ASSISTANCE APPLICATION PROCESS FOR CRITICAL  
29 MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN OBTAINING  
30 STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC, GAS, OR OTHER  
31 ENERGY SOURCE BILLS SO THAT THEIR ELECTRIC, GAS, OR OTHER ENERGY SOURCE  
32 SERVICE CONTINUES OR IS RESTORED.

33 (C) (1) THE CMN PROGRAM SHALL FACILITATE ASSISTANCE TO  
34 CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN

1 OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC,  
2 GAS, OR OTHER SOURCE ENERGY BILLS THROUGH NAVIGATORS.

3 (2) THE OFFICE SHALL DETERMINE QUALIFICATIONS AND  
4 ESTABLISH TRAINING REQUIREMENTS FOR NAVIGATORS.

5 (3) THE OFFICE SHALL TRAIN NAVIGATORS OR FACILITATE THE  
6 TRAINING OF NAVIGATORS BY OTHERS.

7 (D) ~~THE~~ IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THE  
8 CODE OF MARYLAND REGULATIONS, THE OFFICE SHALL WORK WITH ELECTRIC  
9 AND GAS COMPANIES TO IMPLEMENT, FOR CRITICAL MEDICALLY VULNERABLE  
10 INDIVIDUALS:

11 (1) A MEDICAL HOLD ON ELECTRIC OR GAS SERVICE OR AN  
12 EXPEDITED PROCESS TO GRANT THE EXTENSION OF ELECTRIC OR GAS SERVICE FOR  
13 THOSE WHO WILL HAVE THEIR ELECTRIC OR GAS SERVICES TERMINATED; AND

14 (2) AN EXPEDITED PROCESS FOR THE RESTORATION OF ELECTRIC OR  
15 GAS SERVICE FOR THOSE WHO HAVE HAD THEIR ELECTRIC OR GAS SERVICE  
16 TERMINATED.

17 (E) THE OFFICE SHALL ESTABLISH A TRACKING SYSTEM OF THE STATUS OF  
18 CRITICAL MEDICALLY VULNERABLE INDIVIDUALS WHO PARTICIPATE IN THE CMN  
19 PROGRAM.

20 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
21 SECTION.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2019.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.