

SENATE BILL 425

C5, O1, M5

9lr0685
CF 9lr2877

By: **Senators Benson, Feldman, Guzzone, Klausmeier, Kramer, Lee, Nathan-Pulliam, Rosapepe, Simonaire, Washington, and Young**

Introduced and read first time: February 1, 2019

Assigned to: Finance

A BILL ENTITLED

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

23 Article – Human Services
24 Section 5–5A–08
25 Annotated Code of Maryland
26 (2007 Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Preamble

1
2 WHEREAS, The State has long recognized the vital importance of electricity and
3 heating for all households in Maryland; and

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

6 WHEREAS, The Public Service Commission is required to adopt regulations related
7 to the termination of service to low-income customers, and provide annual reports to the
8 General Assembly regarding the best way to address the problem of assuring adequate gas
9 and electric service for low-income residential customers; and

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

15 WHEREAS, The State has provided assistance to low-income households to reduce
16 energy usage, and therefore energy bills, through its administration of the federally funded
17 Weatherization Assistance Program and the EmPOWER Maryland Program; and

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

21 WHEREAS, The loss of electricity or heat can aggravate an existing serious illness
22 or prevent the use of life-support equipment for a household member, thereby posing an
23 actual threat to a person's health and safety; and

24 WHEREAS, The typical processing times for energy assistance applications can
25 result in loss of service or extend a period of service loss to the detriment of these
26 individuals' health and well-being; and

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

34 WHEREAS, The partners developed this pilot program with the goal of expediting
35 assistance to medically vulnerable individuals, continuing or restoring energy services to
36 these households, and reducing barriers to the energy assistance application process by
37 training navigators, who are representatives of medical facilities and assistance agencies

1 and organizations, to assist in expediting the energy assistance application process; and

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

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

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

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

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

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

22 **Article – Human Services**

23 5-5A-01.

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

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

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

27 5-5A-02.

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

29 5-5A-06.

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

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

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

2 (iii) citizens' groups;

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

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

5 (2) The Office shall:

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

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

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

11 (b) The Office shall:

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

14 (2) disseminate information to further energy assistance;

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

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

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

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

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

27 5-5A-07.

28 (a) (1) The Office shall:

- 1 (i) carry out an energy emergency crisis intervention program to
2 prevent low-income households, including the near poor, the elderly, households with
3 children, and those on fixed incomes from experiencing danger to health or survival as a
4 result of an energy emergency;
- 5 (ii) establish intake procedures for those experiencing an energy
6 emergency;
- 7 (iii) establish guidelines for the income and program eligibility of
8 applicants; and
- 9 (iv) identify local public or private agencies to administer the crisis
10 intervention program.

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

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

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

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

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

20 **5-5A-08.**

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

23 (2) "CMN PROGRAM" MEANS THE CRITICAL MEDICAL NEEDS
24 PROGRAM ESTABLISHED UNDER THIS SECTION.

25 (3) "CRITICAL MEDICALLY VULNERABLE INDIVIDUAL" MEANS AN
26 INDIVIDUAL WHO:

27 (I) HAS A SEVERE HEALTH CONDITION THAT WILL BE
28 AGGRAVATED DUE TO THE TERMINATION OR NONCONTINUATION OF ELECTRIC OR
29 GAS SERVICE OR NEEDS THE USE OF LIFE-SUPPORT EQUIPMENT AS DOCUMENTED
30 AND CERTIFIED IN ACCORDANCE WITH REGULATIONS ON A CERTIFICATION OF
31 SERIOUS ILLNESS OR LIFE SUPPORT FORM SUBMITTED TO THE APPROPRIATE
32 ELECTRIC OR GAS COMPANY;

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

3 (III) IS UNABLE TO COMPLETE THE ENERGY ASSISTANCE
4 APPLICATIONS UNDER AVAILABLE ENERGY ASSISTANCE PROGRAMS, INCLUDING
5 ENERGY EFFICIENCY PROGRAMS OFFERED BY THE DEPARTMENT OF HOUSING AND
6 COMMUNITY DEVELOPMENT.

7 (4) "NAVIGATOR" MEANS A REPRESENTATIVE FROM A MEDICAL
8 FACILITY OR FROM A PUBLIC OR PRIVATE ASSISTANCE AGENCY OR ORGANIZATION
9 WHO:

10 (I) IS IN PERSONAL CONTACT WITH A CRITICAL MEDICALLY
11 VULNERABLE INDIVIDUAL; AND

12 (II) ASSISTS THE CRITICAL MEDICALLY VULNERABLE
13 INDIVIDUAL IN THE ENERGY ASSISTANCE APPLICATION PROCESS.

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

15 (2) THE OFFICE SHALL IMPLEMENT AND ADMINISTER THE CMN
16 PROGRAM.

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

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

29 (C) (1) THE CMN PROGRAM SHALL FACILITATE ASSISTANCE TO
30 CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN
31 OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC,
32 GAS, OR OTHER SOURCE ENERGY BILLS THROUGH NAVIGATORS.

33 (2) THE OFFICE SHALL DETERMINE QUALIFICATIONS AND

1 ESTABLISH TRAINING REQUIREMENTS FOR NAVIGATORS.

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

4 (D) THE OFFICE SHALL WORK WITH ELECTRIC AND GAS COMPANIES TO
5 IMPLEMENT, FOR CRITICAL MEDICALLY VULNERABLE INDIVIDUALS:

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

9 (2) AN EXPEDITED PROCESS FOR THE RESTORATION OF ELECTRIC OR
10 GAS SERVICE FOR THOSE WHO HAVE HAD THEIR ELECTRIC OR GAS SERVICE
11 TERMINATED.

12 (E) THE OFFICE SHALL ESTABLISH A TRACKING SYSTEM OF THE STATUS OF
13 CRITICAL MEDICALLY VULNERABLE INDIVIDUALS WHO PARTICIPATE IN THE CMN
14 PROGRAM.

15 (F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
16 SECTION.

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