

HB1382/744268/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1382
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 3 down through “assistance;” in line 8; in line 13, after “circumstances;” insert “authorizing a hospital, an emergency facility, or an inpatient facility to petition a court to compel a local department to remove a child from the hospital, emergency facility, or inpatient facility under certain circumstances; requiring the Department to make a certain payment for a certain violation under this Act;”; in line 28, after “annually;” insert “establishing the Foster Child Support Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the Community Health Resources Commission to administer the Fund; requiring the State Treasurer to hold the Fund and the Comptroller to account for the Fund; specifying the contents of the Fund; specifying that the Community Health Resources Commission may determine the purpose for which the Fund may be used; providing for the investment of money in and expenditures from the Fund;”; strike beginning with “requiring” in line 19 down through “annually;” in line 28; and in line 30, after “circumstances;” insert “establishing the Task Force to Examine the Placement of Foster Children in Emergency Departments; providing for the composition, chair, and staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Task Force to study and make recommendations regarding certain matters; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the interpretation of this Act; providing for the effective dates of this Act; providing for the termination of certain provisions of this Act;”.

On page 2, in line 3, strike “3-816.1(a) and (b) and”; in line 8, strike “3-816.1(f) and”; strike in their entirety lines 11 through 15, inclusive; and after line 30, insert:

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“BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)121. and 122.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)123.
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)”.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 34 on page 2 through line 26 on page 4, inclusive.

On page 5, strike in their entirety lines 5 through 7, inclusive.

AMENDMENT NO. 3

On page 5, in line 10, after “evidence” insert “**PROVIDED BY A LICENSED PSYCHIATRIST OR LICENSED PSYCHOLOGIST WHO HAS EXAMINED THE CHILD WITHIN THE PREVIOUS 48 HOURS**”; and in lines 10 and 11, strike “**A MENTAL OR BEHAVIORAL HEALTH PROFESSIONAL HAS DETERMINED THAT**”.

On page 6, in line 17, strike “**WITHIN 30 HOURS**”.

AMENDMENT NO. 4

On pages 7 through 9, strike in their entirety the lines beginning with line 30 on page 7 through line 2 on page 9, inclusive.

AMENDMENT NO. 5

On page 7, after line 1, insert:

“(3) (1) IF A LOCAL DEPARTMENT FAILS TO REMOVE A CHILD FROM A HOSPITAL, AN EMERGENCY FACILITY, OR AN INPATIENT FACILITY IN ACCORDANCE WITH THIS SUBSECTION, THE HOSPITAL, EMERGENCY FACILITY, OR INPATIENT FACILITY MAY PETITION A COURT TO COMPEL THE LOCAL DEPARTMENT TO REMOVE THE CHILD.

(ii) 1. THE DEPARTMENT SHALL PAY \$2,000 FOR EACH DAY THAT A CHILD REMAINS AT A HOSPITAL, AN EMERGENCY FACILITY, OR AN INPATIENT FACILITY IN VIOLATION OF THIS SUBSECTION TO THE COMMUNITY HEALTH RESOURCES COMMISSION.

2. THE REVENUES FROM THE PENALTY SHALL BE DISTRIBUTED TO THE FOSTER CHILDREN SUPPORT FUND.”.

On page 9, after line 2, insert:

“(E) (1) IN THIS SUBSECTION, "FUND" MEANS THE FOSTER CHILDREN SUPPORT FUND.

(2) THERE IS A FOSTER CHILDREN SUPPORT FUND.

(3) THE PURPOSE OF THE FUND IS TO PROVIDE RESOURCES AND SUPPORT TO CHILDREN IN OUT-OF-HOME PLACEMENTS AND ORGANIZATIONS

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WITH A FOCUS ON SUPPORTING CHILDREN IN OUT-OF-HOME PLACEMENTS IN THE STATE.

(4) THE COMMUNITY HEALTH RESOURCES COMMISSION SHALL ADMINISTER THE FUND.

(5) (I) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(II) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(6) THE FUND CONSISTS OF:

(I) REVENUE DISTRIBUTED TO THE FUND UNDER SUBSECTION (B)(3) OF THIS SECTION;

(II) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(III) INTEREST EARNINGS; AND

(IV) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(7) THE COMMUNITY HEALTH RESOURCES COMMISSION MAY DETERMINE THE USES OF THE FUND IN ORDER TO SUPPORT CHILDREN IN OUT-OF-HOME PLACEMENTS AND ORGANIZATIONS THAT FOCUS ON SUPPORTING

CHILDREN IN OUT-OF-HOME PLACEMENTS, INCLUDING FOR EXPENSES
INCURRED OPERATING THE FUND.

(8) (I) THE STATE TREASURER SHALL INVEST THE MONEY OF
THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(II) ANY INTEREST EARNINGS OF THE FUND SHALL BE
CREDITED TO THE FUND.”.

On page 10, after line 8, insert:

“Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless
inconsistent with a federal law, grant agreement, or other federal requirement or with
the terms of a gift or settlement agreement, net interest on all State money allocated by
the State Treasurer under this section to special funds or accounts, and otherwise
entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue
to the General Fund of the State.

(ii) The provisions of subparagraph (i) of this paragraph do not
apply to the following funds:

121. the Markell Hendricks Youth Crime Prevention and
Diversion Parole Fund; [and]

122. the Federal Government Shutdown Employee
Assistance Loan Fund; AND

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123. THE FOSTER CHILDREN SUPPORT FUND.

AMENDMENT NO. 6

On page 10, strike beginning with “That” in line 9 down through “2020” in line 10 and substitute “That:”

(a) There is a Task Force to Examine the Placement of Foster Children in Emergency Departments.

(b) The Task Force consists of the following members:

(1) two members of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the following members, appointed jointly by the President of the Senate and the Speaker of the House:

(i) one attorney who serves as counsel for foster children in federal class action litigation;

(ii) one representative of Maryland Legal Aid who represents children in need of assistance;

(iii) one representative of the Office of the Public Defender;

(iv) one representative of the Maryland Association of Resources for Families and Youth; and

(v) one representative of Disability Rights Maryland; and

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(4) the following members, appointed by the Governor:

(i) one representative of the Department of Human Services;

(ii) one representative of the Department of Juvenile Services;

(iii) one representative of the Interagency Rates Committee;

(iv) one representative of the Maryland Department of Health;

(v) one representative of the State Department of Education; and

(vi) one representative of the Maryland Hospital Association.

(c) The President of the Senate and the Speaker of the House jointly shall designate the chair of the Task Force.

(d) The Department of Human Services shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

(2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(f) The Task Force shall:

(1) examine the placement of foster children in hospital emergency departments and other issues related to the placement of children in out-of-home settings, focusing especially on children with disabilities;

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(2) ascertain the current shortages for appropriate placement settings in the State;

(3) assess shortfalls in supportive services; and

(4) make recommendations on:

(i) resources needed to fill gaps in placement services;

(ii) a plan to develop needed resources and services;

(iii) a structure to maximize cooperation between the Maryland Department of Health and the Department of Human Services in securing appropriate placement for children in foster care; and

(iv) how to appropriately expand services for foster children including intensive respite care, emergency foster homes, and other placement alternatives.

(g) On or before December 31, 2020, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That nothing in this Act may be interpreted to require a hospital, an emergency facility, or an inpatient facility to violate the requirements of the federal Emergency Medical Treatment and Labor Act.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 2020.

SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2020. Section 2 of this Act shall remain effective for a period of 1 year and 1 month and, at the end of June 30, 2021, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect”.