

HB1002/283892/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1002

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “**Insurance –**” and substitute “– Insurance”; in the same line, strike “**and Required Study**” and substitute “and Special Enrollment Period for Health Benefits”; in line 3, after the first “of” insert “requiring the Maryland Health Benefit Exchange to open a certain enrollment period for an individual who consents to share information through a certain system; establishing certain requirements for a certain enrollment period; authorizing the Maryland Health Benefit Exchange to conduct outreach to a certain individual using certain methods;”; in line 14, after “funding;” insert “authorizing, for the purpose of implementing a certain system in a certain manner, the Maryland Department of Labor, the Maryland Health Benefit Exchange, and the Maryland Department of Health to take certain actions;”; strike beginning with “requiring” in line 16 down through “date” in line 25 and substitute “altering the information of which the Secretary of Labor is required to notify a claimant if the Secretary decides to recover benefits from the claimant under certain provisions of law; requiring the Secretary to allow a claimant to appeal a certain determination within a certain period of time; requiring the Maryland Department of Labor to submit to the General Assembly a certain report on or before a certain date; requiring the Maryland Department of Labor, on or before a certain date, to identify all changes in federal regulations and guidance that would expand access to unemployment benefits or reduce bureaucratic hurdles to prompt approval of unemployment benefits; requiring the Maryland Department of Labor, on or before a certain date, to revise State unemployment insurance rules and practices for a certain purpose”; in line 26, strike “insurance”; and after line 26, insert:

“BY adding to

Article - Insurance

Section 31-108(h)

(Over)

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Annotated Code of Maryland
(2017 Replacement Volume and 2020 Supplement)”.

On page 2, after line 1, insert:

“BY repealing and reenacting, without amendments,
Article - Labor and Employment
Section 8–809(a) and (b)
Annotated Code of Maryland
(2016 Replacement Volume and 2020 Supplement)”;

and in line 4, strike “8–611(k) and 8–803(d)” and substitute “8–809(c)”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“Article – Insurance

31-108.

(H) (1) THE EXCHANGE SHALL OPEN A SPECIAL OR OTHER ENROLLMENT PERIOD FOR AN INDIVIDUAL WHO CONSENTS TO SHARE INFORMATION THROUGH THE SYSTEM IMPLEMENTED IN ACCORDANCE WITH § 8-109(B)(1) OF THE LABOR AND EMPLOYMENT ARTICLE.

(2) THE ENROLLMENT PERIOD OPENED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) APPLY TO QUALIFIED HEALTH PLANS OFFERED THROUGH THE EXCHANGE IN THE INDIVIDUAL MARKET;

(II) BEGIN ON THE DATE THE EXCHANGE SENDS NOTICE TO THE INDIVIDUAL;

(III) LAST FOR A PERIOD OF TIME DETERMINED BY THE EXCHANGE AND THAT IS AT LEAST 30 DAYS; AND

(IV) BE AVAILABLE TO AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION AND TO THE INDIVIDUAL'S DEPENDENT AS DEFINED IN 45 C.F.R. § 155.420.

(3) THE EXCHANGE MAY CONDUCT OUTREACH TO AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION USING METHODS THAT INCLUDE:

(I) WRITTEN NOTICES;

(II) CONTACT THROUGH TELEPHONIC AND ELECTRONIC MEANS; AND

(III) THE PROVISION OF INDIVIDUALIZED ASSISTANCE BY INSURANCE AGENTS AND BROKERS, NAVIGATORS, AND EXCHANGE CONTRACTORS AND STAFF.”.

On page 4, after line 31, insert:

“(5) TO FACILITATE THE MOST EFFICIENT IMPLEMENTATION OF THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT, THE MARYLAND HEALTH BENEFIT EXCHANGE, AND THE MARYLAND DEPARTMENT OF HEALTH MAY:

(Over)

(I) ENTER INTO AGREEMENTS;

(II) ADOPT REGULATIONS;

(III) ADOPT GUIDELINES;

(IV) ESTABLISH ACCOUNTS;

(V) CONDUCT TRAININGS;

(VI) PROVIDE PUBLIC INFORMATION; AND

(VII) TAKE ANY OTHER STEPS AS MAY BE NECESSARY TO ACCOMPLISH THE PURPOSE OF THE SYSTEM DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

AMENDMENT NO. 3

On page 2, in line 13, strike “ENSURE” and substitute “**SECURE EQUAL ACCESS FOR INDIVIDUALS BY:**

(I) ENSURING”;

in line 14, strike the second “AND” and substitute a comma; in the same line, after “INTERPRETIVE” insert “**, AND TRANSLATION**”; after line 14, insert:

“(II) FOR INDIVIDUALS WITH DISABILITIES:

1. INCORPORATING ACCESSIBILITY FEATURES THAT ARE CONSISTENT WITH MODERN ACCESSIBILITY STANDARDS FOR INDIVIDUALS WITH DISABILITIES; AND

2. PROVIDING NOTICE OF ALTERNATIVE ACCESSIBILITY OPTIONS FOR ACCESSING BENEFITS, SERVICES, AND INFORMATION IN MULTIPLE FORMATS; AND

(III) CONSPICUOUSLY PROVIDING CLAIMANTS WITH THE OPTION TO SELECT AT THE BEGINNING OF THE APPLICATION FOR UNEMPLOYMENT INSURANCE BENEFITS PROCESS THAT PAPER-BASED NOTICES OF DEPARTMENT ACTION BE SENT BY MAIL;”;

strike in their entirety lines 15 through 30, inclusive; after line 30, insert:

“(2) ESTABLISH PROCEDURES THAT REQUIRE AN INDIVIDUAL WHO HAS FILED AN INITIAL CLAIM FOR BENEFITS TO BE PROVIDED WITH A STATUS UPDATE ON THE CLAIM BY DEPARTMENT STAFF OR CONTRACTORS THROUGH TELEPHONE OR E-MAIL AT LEAST ONCE EVERY 3 WEEKS UNTIL THE INITIAL BENEFITS ARE PAID OR THE INITIAL CLAIM IS DENIED, WHICHEVER OCCURS FIRST;”;

in line 31, strike “(7)” and substitute “(3)”; in the same line, strike “PERIODICALLY REVIEW AND REVISE FOR” and substitute “ON OR BEFORE JULY 1, 2021, AND EACH JULY 1 THEREAFTER, CONTRACT WITH AN EXTERNAL CUSTOMER SERVICE QUALITY EVALUATION VENDOR TO MEASURE:

(I) THE”;

and in line 32, after “ORGANIZATION” insert “OF”.

On page 3, after line 1, insert:

(Over)

“(II) THE ACHIEVEMENT OF THE CUSTOMER SERVICE STANDARDS REQUIRED UNDER THIS SUBSECTION AND THE DEPARTMENT’S PLAN TO IMPLEMENT THE REQUIREMENTS OF THIS SUBSECTION; AND

(III) OTHER CUSTOMER SERVICE METRICS THAT THE DEPARTMENT OR THE VENDOR AGREE ARE IMPORTANT;”;

in line 2, strike “(8)” and substitute “(4)”; in line 3, strike “INFORMS” and substitute “AND CONVENIENTLY PROVIDES”; strike beginning with “OF” in line 3 down through “REQUEST” in line 5 and substitute “WITH THE ABILITY TO SELECT THE METHOD OF PAYMENT”; strike in their entirety lines 6 through 8, inclusive; in line 9, strike “(10)” and substitute “(5)”; strike in their entirety lines 12 through 20, inclusive; in line 21, strike “(13)” and substitute “(6)”; in line 23, strike “(14)” and substitute “(7)”; and in line 29, strike “(15)” and substitute “(8)”.

On page 4, in line 1, strike “(16)” and substitute “(9)”; in line 5, after “PUBLISH” insert “QUARTERLY”; and in lines 5 and 6, strike “AT LEAST ONCE PER MONTH”.

On pages 5 through 7, strike in their entirety the lines beginning with line 3 on page 5 through line 21 on page 7, inclusive.

On page 7, after line 21, insert:

“8-809.

(a) The Secretary may recover benefits paid to a claimant if the Secretary finds that the claimant was not entitled to the benefits because:

- (1) the claimant was not unemployed;
- (2) the claimant received or retroactively was awarded wages; or

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(3) due to a redetermination of an original claim by the Secretary, the claimant is disqualified or otherwise ineligible for benefits.

(b) If the Secretary finds that a claimant knowingly made a false statement or representation or knowingly failed to disclose a material fact to obtain or increase a benefit or other payment under this title, in addition to disqualification of the claimant, the Secretary may recover from the claimant:

(1) all benefits paid to the claimant for each week for which the false statement or representation was made or for which the claimant failed to disclose a material fact;

(2) a monetary penalty of 15% of all benefits paid to the claimant for each week for which the false statement or representation was made or for which the claimant failed to disclose a material fact; and

(3) interest of 1.5% per month on the amount of all benefits paid to the claimant for each week for which the false statement or representation was made or for which the claimant failed to disclose a material fact plus the amount of the monetary penalty accruing from the date that the claimant is notified by the Secretary that the claimant was not entitled to benefits received.

(c) (1) If the Secretary decides to recover benefits from a claimant under subsection (a) or (b) of this section, the Secretary shall notify the claimant of:

[(1)] (I) the amount to be recovered; AND

(II) THE BASIS FOR THE RECOVERY OF BENEFITS, INCLUDING ANY EVIDENCE THAT THE SECRETARY USED TO MAKE THE DETERMINATION;

(Over)

[(2)] (III) the weeks for which benefits were paid;

[(3)] (IV) the amount of any monetary penalty assessed under subsection (b)(2) of this section and the reason for the assessment of the monetary penalty; [and]

[(4)] (V) the provision of this title under which the Secretary determined that the claimant was ineligible for benefits; AND

(VII) THE APPEAL RIGHTS AVAILABLE TO A CLAIMANT.

(2) THE SECRETARY SHALL ALLOW A CLAIMANT TO APPEAL A DETERMINATION REGARDING THE RECOVERY OF BENEFITS WITHIN 30 DAYS AFTER THE MAILING OR OTHER DELIVERY OF THE NOTICE.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2021, the Maryland Department of Labor shall submit to the General Assembly, in accordance with § 2-1257 of the State Government Article, a detailed, comprehensive, and funded plan to ensure that call center staffing is adequate to allow an individual to reach a departmental employee or contractor to ask questions.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before June 1, 2021, the Maryland Department of Labor shall identify all changes in federal regulations and guidance that would expand access to unemployment benefits or reduce bureaucratic hurdles to prompt approval of unemployment benefits.

(b) On or before July 1, 2021, the Maryland Department of Labor shall revise State unemployment insurance rules and practices to encompass any changes in federal regulations and guidance.”;

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and in line 22, strike “3.” and substitute “4.”.