

SENATE BILL 695

J1, R2

1lr2782
CF HB 513

By: **Senator Young**

Introduced and read first time: February 3, 2021

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Non–Emergency Medical Transportation Fund and Task Force to**
3 **Study the Maryland Non–Emergency Medical Transportation Fund**

4 FOR the purpose of establishing the Maryland Non–Emergency Medical Transportation
5 Fund as a special, nonlapsing fund; specifying the purpose of the Fund; requiring the
6 Secretary of Transportation to administer the Fund; requiring the State Treasurer
7 to hold the Fund and the Comptroller to account for the Fund; specifying the contents
8 of the Fund; specifying the purpose for which the Fund may be used; providing for
9 the investment of money in and expenditures from the Fund; providing that the Fund
10 is subject to a certain audit; providing that no part of the Fund may revert or be
11 credited to certain funds; requiring certain kidney dialysis centers to pay to the
12 Department of Transportation a certain fee for certain transports; requiring interest
13 earnings of the Fund to be credited to the Fund; exempting the Fund from a certain
14 provision of law requiring interest earnings on State money to accrue to the General
15 Fund of the State; establishing the Task Force to Study the Maryland
16 Non–Emergency Medical Transportation Fund; providing for the composition, chair,
17 and staff of the Task Force; prohibiting a member of the Task Force from receiving
18 certain compensation, but authorizing the reimbursement of certain expenses;
19 requiring the Task Force to study and make recommendations regarding certain
20 matters; requiring the Task Force to report its findings and recommendations to the
21 Governor and the General Assembly on or before a certain date; providing for the
22 effective dates of this Act; providing for the termination of certain provisions of this
23 Act; and generally relating to the Maryland Non–Emergency Medical Transportation
24 Fund and the Task Force to Study the Maryland Non–Emergency Medical
25 Transportation Fund.

26 BY repealing and reenacting, without amendments,
27 Article – State Finance and Procurement
28 Section 6–226(a)(2)(i)
29 Annotated Code of Maryland
30 (2015 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
 2 Article – State Finance and Procurement
 3 Section 6–226(a)(2)(ii)122. and 123.
 4 Annotated Code of Maryland
 5 (2015 Replacement Volume and 2020 Supplement)

6 BY adding to
 7 Article – State Finance and Procurement
 8 Section 6–226(a)(2)(ii)124.
 9 Annotated Code of Maryland
 10 (2015 Replacement Volume and 2020 Supplement)

11 BY adding to
 12 Article – Transportation
 13 Section 7–213
 14 Annotated Code of Maryland
 15 (2020 Replacement Volume)

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

18 **Article – State Finance and Procurement**

19 6–226.

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

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

28 122. the Racing and Community Development Financing Fund;
 29 [and]

30 123. the Racing and Community Development Facilities Fund;
 31 AND

32 124. THE MARYLAND NON-EMERGENCY MEDICAL
 33 TRANSPORTATION FUND.

34 **Article – Transportation**

1 7-213.

2 (A) IN THIS SECTION, "FUND" MEANS THE MARYLAND NON-EMERGENCY
3 MEDICAL TRANSPORTATION FUND.

4 (B) (1) THERE IS A MARYLAND NON-EMERGENCY MEDICAL
5 TRANSPORTATION FUND.

6 (2) THE FUND SHALL BE USED BY THE DEPARTMENT OF
7 TRANSPORTATION TO FULLY OR PARTIALLY OFFSET THE DIRECT COSTS THAT
8 QUALIFIED SUB-RECIPIENTS OF AN ADMINISTRATION GRANT UNDER 49 U.S.C. §
9 5307, § 5310, OR § 5311 INCUR TO PROVIDE TRANSPORTATION FOR DIALYSIS
10 PATIENTS TO AND FROM DIALYSIS TREATMENTS.

11 (3) THE SECRETARY SHALL ADMINISTER THE FUND.

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

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

16 (5) THE FUND CONSISTS OF:

17 (I) REVENUE DISTRIBUTED TO THE FUND UNDER SUBSECTION
18 (C) OF THIS SECTION;

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

21 (III) INTEREST EARNINGS; AND

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

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

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

28 (7) THE FUND MAY BE USED ONLY TO OFFSET THE DIRECT COSTS

1 THAT QUALIFIED SUB-RECIPIENTS OF AN ADMINISTRATION GRANT UNDER 49
2 U.S.C. § 5307, § 5310, OR § 5311 INCUR TO PROVIDE TRANSPORTATION FOR
3 DIALYSIS PATIENTS TO AND FROM DIALYSIS TREATMENTS.

4 (8) THE FUND IS SUBJECT TO AUDIT BY THE OFFICE OF LEGISLATIVE
5 AUDITS AS PROVIDED IN § 2-1220 OF THE STATE GOVERNMENT ARTICLE.

6 (9) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

7 (I) THE GENERAL FUND OF THE STATE; OR

8 (II) ANY OTHER SPECIAL FUND OF THE STATE.

9 (10) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN
10 ACCORDANCE WITH THE STATE BUDGET.

11 (C) (1) EACH KIDNEY DIALYSIS CENTER CERTIFIED BY THE MARYLAND
12 DEPARTMENT OF HEALTH UNDER § 13-310 OF THE HEALTH – GENERAL ARTICLE
13 SHALL PAY TO THE SECRETARY A FEE OF \$20 FOR EACH TRANSPORT OF A PATIENT
14 OF THE KIDNEY DIALYSIS CENTER PROVIDED BY A QUALIFIED SUB-RECIPIENT OF
15 AN ADMINISTRATION GRANT UNDER 49 U.S.C. § 5307, § 5310, OR § 5311 TO OR
16 FROM THE KIDNEY DIALYSIS CENTER FOR A DIALYSIS TREATMENT.

17 (2) THE FEES PAID UNDER PARAGRAPH (1) OF THIS SUBSECTION
18 SHALL BE DISTRIBUTED TO THE FUND.

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) There is a Task Force to Study the Maryland Non-Emergency Medical
21 Transportation Fund.

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

23 (1) one member of the Senate of Maryland, appointed by the President of
24 the Senate;

25 (2) one member of the House of Delegates, appointed by the Speaker of the
26 House;

27 (3) the Secretary of Health, or the Secretary's designee;

28 (4) the Secretary of Transportation, or the Secretary's designee;

29 (5) the Administrator of the Maryland Transit Administration, or the
30 Administrator's designee;

- 1 (6) the following members, appointed by the Secretary of Transportation:
- 2 (i) one representative of the Maryland Association of Counties;
- 3 (ii) one representative of the Transportation Association of
4 Maryland; and
- 5 (iii) one representative of Local Operating Transit Systems service
6 providers; and
- 7 (7) two representatives of State kidney dialysis treatment centers,
8 appointed by the Secretary of Health.
- 9 (c) The Secretary of Transportation shall designate the chair of the Task Force.
- 10 (d) The Maryland Department of Transportation shall provide staff for the Task
11 Force.
- 12 (e) A member of the Task Force:
- 13 (1) may not receive compensation as a member of the Task Force; but
- 14 (2) is entitled to reimbursement for expenses under the Standard State
15 Travel Regulations, as provided in the State budget.
- 16 (f) The Task Force shall:
- 17 (1) study the impact of the Maryland Non–Emergency Medical
18 Transportation Fund on:
- 19 (i) patient access to dialysis treatment; and
- 20 (ii) offsetting, fully or partially, the direct costs counties incur to
21 transport dialysis patients to and from kidney dialysis centers for dialysis treatments; and
- 22 (2) make recommendations regarding:
- 23 (i) the amount of the fee imposed on a certified kidney dialysis
24 center under § 7–213 of the Transportation Article, as enacted by Section 1 of this Act;
- 25 (ii) determining the effect of the fee imposed on certified kidney
26 dialysis centers; and
- 27 (iii) the amount each certified kidney dialysis center will contribute
28 to the Fund if the fee is altered to adequately offset the direct costs Local Operating Transit
29 Systems service providers are incurring to transport dialysis patients to and from kidney

1 dialysis centers for dialysis treatments.

2 (g) On or before November 1, 2023, the Task Force shall report its findings and
3 recommendations to the Governor and, in accordance with § 2-1257 of the State
4 Government Article, the General Assembly.

5 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take
6 effect October 1, 2021. It shall remain effective for a period of 3 years and, at the end of
7 September 30, 2024, Section 2 of this Act, with no further action required by the General
8 Assembly, shall be abrogated and of no further force and effect.

9 SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section
10 3 of this Act, this Act shall take effect July 1, 2021.