HOUSE BILL 889

By: Delegates Saab and Chisholm
Introduced and read first time: February 7, 2022
Assigned to: Appropriations

A BILL ENTITLED

AN ACT concerning

Public Assistance Programs – Data Sharing and Review
(Welfare Program Integrity Act of 2022)

FOR the purpose of requiring the Inspector General in the Maryland Department of Health and the Family Investment Administration to review certain information on a certain basis; requiring the Maryland Department of Health to enter into data–sharing agreements with the Division of Vital Records and the Maryland Department of Labor for a certain purpose; authorizing the Maryland Department of Health and the Family Investment Administration to manage and enter into data–sharing agreements with certain entities for a certain purpose; requiring the Family Investment Administration to enter into data–sharing agreements with the Maryland Lottery and Gaming Control Agency, the Maryland Department of Health, Division of Vital Records, and the Maryland Department of Labor for certain purposes; and generally relating to public assistance programs, data sharing, and Inspector General review.

BY repealing and reenacting, with amendments,
   Article – Health – General
   Section 2–503
   Annotated Code of Maryland
   (2019 Replacement Volume and 2021 Supplement)

BY adding to
   Article – Health – General
   Section 15–104.1
   Annotated Code of Maryland
   (2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
   Article – Human Services
   Section 5–205

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

2–503.

(a) The Inspector General:

(1) May investigate fraud, waste, and abuse of departmental funds;

(2) Shall cooperate with and coordinate investigative efforts with the Medicaid Fraud Control Unit and where a preliminary investigation establishes a sufficient basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit; [and]

(3) Shall cooperate with and coordinate investigative efforts with departmental programs and other State and federal agencies to ensure a provider is not subject to duplicative audits; AND

(4) Shall review the information shared in accordance with § 15–104.1 of this article and § 5–205 of the Human Services Article at least quarterly.

(b) (1) The Inspector General or a designated Assistant Inspector General may subpoena any person or evidence, administer oaths, and take depositions and other testimony for the purpose of investigating fraud, waste, or abuse of departmental funds.

(2) If a person fails to comply with a lawful order or subpoena issued under this subsection, on petition of the Inspector General or a designated Assistant Inspector General, a court of competent jurisdiction may compel:

(i) Compliance with the order or subpoena; or

(ii) Testimony or the production of evidence.

(C) Nothing in this section may be construed to prohibit the Inspector General from contracting with an independent vendor to provide additional data or information.

15–104.1.

(A) This section applies only to:
(1) MEDICAID; AND

(2) THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

(B) THE DEPARTMENT SHALL:

(1) ENTER INTO DATA-SHARING AGREEMENTS, INCLUDING BY A MEMORANDUM OF UNDERSTANDING, WITH THE DIVISION OF VITAL RECORDS AND THE MARYLAND DEPARTMENT OF LABOR TO IDENTIFY ANY CHANGES IN CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL’S ELIGIBILITY FOR THE PROGRAM, INCLUDING SHARING:

(I) DEATH RECORDS;

(II) GAMBLING WINNINGS;

(III) LOTTERY WINNINGS;

(IV) TAX FILINGS OR INFORMATION; AND

(V) INCOME RECORDS OR INFORMATION; AND

(2) REVIEW ANY INFORMATION SHARED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO IDENTIFY ANY CHANGES IN CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL’S ELIGIBILITY FOR THE PROGRAM:

(I) FOR ITEM (1)(I) THROUGH (III) OF THIS SUBSECTION, AT LEAST MONTHLY; AND

(II) FOR ITEM (1)(IV) AND (V) OF THIS SUBSECTION, AT LEAST QUARTERLY.

(C) THE DEPARTMENT MAY ENTER INTO AND MANAGE DATA-SHARING AGREEMENTS WITH ANY FEDERAL, STATE, OR LOCAL DEPARTMENT, AGENCY, OR DIVISION OR INDEPENDENT VENDOR IN ORDER TO PROVIDE ADDITIONAL DATA OR INFORMATION RELEVANT TO THE PROVISIONS OF THIS SECTION.

Article – Human Services

5–205.

(a) The Administration shall be the central coordinating and directing agency of
all public assistance programs in the State, including:

1. the Family Investment Program and related cash benefit programs;
2. public assistance to adults;
3. emergency assistance;
4. food stamps;
5. medical assistance eligibility determinations;
6. the Energy Assistance Program;
7. the Temporary Disability Assistance Program; and
8. any other public assistance activities financed wholly or partly by the Administration.

(b) The Administration shall supervise, direct, and control the activities of the local departments that it finances wholly or partly.

(c) (1) The Administration may visit any State–aided institution, organization, or agency engaged in public assistance activities and inspect thoroughly its management, buildings, and equipment.

(2) Visits and inspections under paragraph (1) of this subsection shall be made:

(i) at reasonably convenient hours; and

(ii) with reasonable regard for the established discipline, regulations, and customs of the institution, organization, or agency.

(d) As desirable or necessary for the purpose of this title, the Administration may designate existing agencies or organizations in the State as the Administration’s agents.

(E) (1) **THIS SUBSECTION APPLIES ONLY TO:**

(I) **MEDICAID; AND**

(II) **THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

(2) **THE ADMINISTRATION SHALL:**

(I) **ENTER INTO DATA–SHARING AGREEMENTS, INCLUDING BY**
A MEMORANDUM OF UNDERSTANDING, WITH:

1. THE STATE LOTTERY AND GAMING CONTROL
   AGENCY TO IDENTIFY INDIVIDUALS WITH SUBSTANTIAL LOTTERY OR GAMBLING
   WINNINGS; AND

2. THE MARYLAND DEPARTMENT OF HEALTH, DIVISION
   OF VITAL RECORDS AND THE MARYLAND DEPARTMENT OF LABOR TO IDENTIFY
   ANY CHANGES IN CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL’S ELIGIBILITY
   FOR A PUBLIC ASSISTANCE PROGRAM LISTED UNDER SUBSECTION (A) OF THIS
   SECTION;

(II) IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH, SHARE
THE FOLLOWING INFORMATION:

1. DEATH RECORDS;

2. GAMBLING WINNINGS;

3. LOTTERY WINNINGS;

4. TAX FILINGS OR INFORMATION; AND

5. INCOME RECORDS OR INFORMATION; AND

(III) REVIEW ANY INFORMATION SHARED IN ACCORDANCE WITH
ITEMS (I) AND (II) OF THIS PARAGRAPH TO IDENTIFY ANY CHANGES IN
CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL’S ELIGIBILITY FOR THE
PROGRAM:

1. FOR ITEM (II)1 THROUGH 3 OF THIS PARAGRAPH, AT
   LEAST MONTHLY; AND

2. FOR ITEM (II)4 AND 5 OF THIS PARAGRAPH, AT LEAST
   QUARTERLY.

(3) THE ADMINISTRATION MAY ENTER INTO AND MANAGE
DATA-SHARING AGREEMENTS WITH ANY FEDERAL, STATE, OR LOCAL DEPARTMENT,
AGENCY, OR DIVISION OR INDEPENDENT VENDOR IN ORDER TO PROVIDE
ADDITIONAL DATA OR INFORMATION RELEVANT TO THE PROVISIONS OF THIS
SUBSECTION.

[(e)] (F) Before the start of each regular session of the General Assembly, the
1 Administration shall submit a report of its activities to the Governor.

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2022.