

Chapter 506

(House Bill 1041)

AN ACT concerning

Department of Human Services – Family Investment Program – Contract and Program Review

FOR the purpose of requiring certain contractors with the Family Investment Program to provide services in a manner that complies with federal law; ~~requiring Family Investment Program contracts with nongovernmental entities to be performance based with certain incentives;~~ requiring the Department of Human Services annually to review certain contracts with certain nongovernmental entities; requiring the Department to hire a consultant to conduct a certain review of the Family Investment Program; authorizing the Department to reallocate funds from a certain program to support any necessary contract costs to complete the review; and generally relating to the Family Investment Program and the Department of Human Services.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 5–101(a) and (c) and 5–301(a), (b), (d), (e), and (h)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–306
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – Human Services
Section 5–323
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Human Services

5–101.

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

- (c) “Department” means the Department of Human Services.

5–301.

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

- (b) “FIP” means the Family Investment Program.

- (d) “Recipient” means each individual in a FIP case.

(e) “Temporary cash assistance” means the cash assistance component of the FIP that is funded wholly or partly through Title IV, Part A, of the Social Security Act.

- (h) “Work activity” means:

- (1) job search activity;
- (2) subsidized employment in either the public or private sector;
- (3) work experience;
- (4) on-the-job training;
- (5) community service;
- (6) training directly related to employment; or
- (7) education directly related to employment.

5–306.

(A) In providing assistance under this subtitle, the Department may contract with:

- (1) charitable organizations;
- (2) private organizations;
- (3) religious organizations; and
- (4) institutions of higher education.

(B) IF THE DEPARTMENT CONTRACTS WITH A STATE, LOCAL, OR NONGOVERNMENTAL CONTRACTOR, THE CONTRACTOR SHALL PROVIDE INDIVIDUALS WITH DISABILITIES ACCESS AND EQUAL OPPORTUNITY TO PARTICIPATE IN THE BENEFITS OF THE SERVICES, PROGRAMS, AND ACTIVITIES

PROVIDED BY THE CONTRACTOR IN ACCORDANCE WITH THE FEDERAL AMERICANS WITH DISABILITIES ACT, INCLUDING REASONABLE ACCOMMODATIONS NECESSARY TO PARTICIPATE IN FIP.

~~(C) CONTRACTS WITH A NONGOVERNMENTAL ENTITY SHALL BE PERFORMANCE-BASED WITH INCENTIVES FOR:~~

~~(1) EDUCATION AND TRAINING;~~

~~(2) JOB PLACEMENT AND PLACEMENT WAGE;~~

~~(3) EMPLOYMENT RETENTION; AND~~

~~(4) EXITING TEMPORARY CASH ASSISTANCE DUE TO EARNINGS THAT MEET OR EXCEED A WAGE THAT IS 150% OF THE STATE MINIMUM WAGE.~~

~~(D)~~ FOR ANY CONTRACT WITH A NONGOVERNMENTAL ENTITY IN PLACE AS OF OCTOBER 1, ~~2022~~, 2024, THE DEPARTMENT ANNUALLY SHALL REVIEW EACH CONTRACT TO MEASURE:

(1) OVERALL PROGRAM IMPACT, INCLUDING THE NUMBER OF RECIPIENTS ENROLLED IN EDUCATION OR TRAINING PROGRAMS THAT INCREASE THE RECIPIENT'S SKILL LEVEL;

(2) INTERIM PROGRESS TOWARD EMPLOYMENT FOR CURRENT RECIPIENTS OF TEMPORARY CASH ASSISTANCE, INCLUDING THE NUMBER OF RECIPIENTS EARNING AN EDUCATION CREDENTIAL OR A SKILL-BASED CERTIFICATE;

(3) EMPLOYMENT OUTCOMES FOR FAMILIES WHO LEFT TEMPORARY CASH ASSISTANCE DUE TO EARNINGS, INCLUDING THE NUMBER OF EMPLOYMENT OUTCOMES WITH WAGES THAT:

(I) EQUAL THE STATE MINIMUM WAGE;

(II) MEET OR EXCEED 150% OF THE STATE MINIMUM WAGE; AND

(III) MEET OR EXCEED 200% OF THE STATE MINIMUM WAGE; AND

~~(4) EMPLOYMENT OUTCOMES FOR FAMILIES WHO EXITED TEMPORARY CASH ASSISTANCE DUE TO EARNINGS AND WERE CONTINUOUSLY ENGAGED IN THE WORKFORCE FOR:~~

~~(I) 6 MONTHS;~~

~~(II) 1 YEAR; OR~~

~~(III) 2 OR MORE YEARS; AND~~

~~(5)~~ THE NUMBER OF THE RECIPIENTS SERVED EXPERIENCING HOMELESSNESS OR HOUSING INSECURITY WHILE PARTICIPATING IN WORK ACTIVITIES.

~~(E)~~ (D) WITHIN 45 DAYS AFTER COMPLETION OF THE DEPARTMENT'S REVIEW UNDER SUBSECTION ~~(D)~~ (C) OF THIS SECTION, THE DEPARTMENT SHALL:

(1) IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, SUBMIT THE REVIEW TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE; AND

(2) PUBLISH THE REVIEW ON THE DEPARTMENT'S WEBSITE.

5-323.

(A) THE DEPARTMENT SHALL HIRE AN OUTSIDE CONSULTANT TO CONDUCT A REVIEW OF FIP TO ASSESS THE EXTENT TO WHICH FIP IS:

(1) IMPLEMENTING POLICIES EQUITABLY; AND

(2) EMPLOYING BEST PRACTICES TO ACHIEVE THE BEST OUTCOMES POSSIBLE FOR CHILDREN AND THEIR PARENTS, INCLUDING BY CONSIDERING THAT MANY FIP RECIPIENTS ARE EXPERIENCING OR HAVE EXPERIENCED SIGNIFICANT TRAUMA.

(B) THE CONSULTANT HIRED UNDER THIS SECTION SHALL:

~~(1) DEMONSTRATE KNOWLEDGE OF THE FEDERAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAMS; AND~~

~~(2) HAVE EXPERIENCE CONDUCTING A COMPARABLE REVIEW OF TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAMS IN OTHER STATES.~~

(C) AT A MINIMUM, THE REVIEW CONDUCTED UNDER THIS SECTION SHOULD INCLUDE AN ASSESSMENT OF THE FOLLOWING:

(1) PROGRAM DESIGN, INCLUDING CORE BELIEFS, GOALS, OBJECTIVES, SERVICE DELIVERY MODEL, REGULATIONS, PROGRAM RULES, AND PERFORMANCE MEASURES;

(2) CONTRACT DESIGN AND EXECUTION, INCLUDING:

(I) PAYMENT STRUCTURE;

(II) INCENTIVES;

(III) SERVICE DELIVERY APPROACH AND PERFORMANCE WITH A FOCUS ON PLACEMENT IN HIGH-QUALITY JOBS WITH WAGES THAT MEET OR EXCEED 150% OF THE STATE MINIMUM WAGE;

(3) PROGRAM OUTCOMES THAT, TO THE EXTENT PRACTICABLE, ARE DISAGGREGATED BY RACE AND ETHNICITY;

(4) AN EXAMINATION OF HOW THE STATE’S USE OF UNPAID WORK EXPERIENCE COMPARES TO OTHER STATES AND ALTERNATIVE PROGRAM OPTIONS;

(5) DOCUMENTATION OF INNOVATIVE AND EVIDENCE-BASED PRACTICES BEING IMPLEMENTED IN OTHER STATES; AND

(6) ALL ASSESSMENT TOOLS USED BY THE DEPARTMENT UNDER § 5-309(A)(1) OF THIS SUBTITLE WITH A FOCUS ON RECOMMENDING CHANGES NEEDED FOR THE ASSESSMENT TO BE CONDUCTED IN A MANNER THAT IS:

(I) TRAUMA-INFORMED;

(II) ANTIRACIST; AND

(III) INDIVIDUALIZED, EMPOWERING, AND CLIENT-CENTERED.

(D) ~~(1)~~ TO RECEIVE MEANINGFUL INPUT ON FIP IN ACCORDANCE WITH THE REVIEW CONDUCTED UNDER THIS SECTION, INCLUDING RECOMMENDATIONS ON METHODS TO STRENGTHEN FIP, THE DEPARTMENT SHALL CONSULT:

~~(1)~~ (1) STAKEHOLDERS, INCLUDING CURRENT AND FORMER RECIPIENTS;

~~(2)~~ (2) COMMUNITY-BASED ORGANIZATIONS; AND

~~(3)~~ (3) OTHER INTERESTED PARTIES.

~~(2) (1) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT SHALL OFFER COMPENSATION TO STAKEHOLDERS WHO:~~

~~1. ARE CONSULTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND~~

~~2. HAVE LIVED EXPERIENCES WITH TEMPORARY CASH ASSISTANCE.~~

~~(H) THE DEPARTMENT SHALL OFFER COMPENSATION UNDER THIS PARAGRAPH IN A MANNER THAT DOES NOT INTERFERE WITH ELIGIBILITY FOR MEANS-TESTED PUBLIC BENEFIT PROGRAMS ADMINISTERED BY THE DEPARTMENT.~~

(E) THE REVIEW CONDUCTED UNDER THIS SECTION SHALL:

(1) INCLUDE A SUMMARY OF:

(I) THE STRENGTHS AND WEAKNESSES OF FIP;

(II) RECOMMENDATIONS FOR IMPROVING FIP; AND

(III) ANY NECESSARY LEGISLATIVE OR ADMINISTRATIVE CHANGES TO MAKE THE IMPROVEMENTS; AND

(2) (I) ON OR BEFORE ~~JULY 1, 2023~~, OCTOBER 1, 2024, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, BE SUBMITTED TO THE GENERAL ASSEMBLY; AND

(II) BE PUBLISHED ON THE DEPARTMENT’S WEBSITE.

(F) UNTIL THE DEPARTMENT HAS FULLY IMPLEMENTED TO THE EXTENT PRACTICABLE, THE RECOMMENDATIONS OF THE FINAL REVIEW SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION, BEGINNING IN CALENDAR YEAR 2024 AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ~~AT A PUBLIC HEARING BEFORE TO~~ THE SENATE FINANCE COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE ON THE PLANS AND PROGRESS FOR IMPLEMENTING THE RECOMMENDATIONS MADE IN THE REVIEW.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Human Services may reallocate available funds from the Temporary Assistance for Needy Families fund balance to support any contracts necessary to complete the review of the Family Investment Program required under § 5-323 of the Human Services Article, as enacted by this Act.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.