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Gregory Slater
Secretary

February 3, 2021

The Honorable Delores Kelley
Chair, Senate Finance Committee
3 East Miller Senate Office Building
Annapolis Maryland 21401

RE: Letter of Information – Senate Bill 399 – Maryland Transit Administration - Disabled Reduced Fare Program for Opioid Treatment Program Patients – Modifications

Dear Chair Kelley and Committee Members:

The Maryland Department of Transportation (MDOT) takes no position on Senate Bill 399 but offers the following information for the Committee's consideration.

Senate Bill 399 requires the MDOT Maryland Transit Administration (MDOT MTA) to allow Opioid Treatment Centers (OTCs) participating in the Reduced Fare Program for Persons with Disabilities to certify eligibility for, and issue, Reduced Fare Identification (ID) cards on site. The bill further requires MDOT MTA to submit a report on this effort by December 2021.

Overseeing the benefits provided under the Reduced Fare program is a complicated process and one that MDOT MTA takes very seriously. This process includes: confirming appropriate documentation is presented (such as government issued identification) by individuals seeking benefits, ensuring all needed records are maintained in accordance with HIPAA and State of Maryland Information Technology (IT) Security Policy requirements, verifying applications with the customer database to prevent system duplicates, requiring attestation and documentation by qualified professionals of proof of disability or other eligibility status, and maintaining controls to prevent fraud or abuse of the process.

Allowing a third party to certify and issue Reduced Fare ID cards will fragment oversight of the system and increase the opportunity for fraud and abuse of the Reduced Fare system. Examples of fraudulent activities could include, but are not limited to, customers receiving a duplicate IDs, improper access to card-making materials, or sharing information without an individual's permission. Most importantly, MDOT MTA relies on a single common database for managing participant enrollment and verification. This common database cannot be shared across third-party entities as the information is limited to the individual, their representative, or health care providers with the individual's permission. The State of Maryland IT Security Policy regarding personally identifiable information (PII) and Health Insurance Portability and Accountability Act (HIPAA) requirements strictly control this personal information access and use. MDOT MTA undergoes rigorous internal and external auditing to ensure the integrity of the Reduced Fare Program, which would become complicated if the responsibility of certifying and issuing ID cards were delegated to any third party.

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Furthermore, creating a system to support and operate third party verification will be costly. MDOT MTA staff would be needed to facilitate setup, implementation, training, review of and oversight of work performed, compliance with IT Security and HIPAA policies, as well as periodic audits of activities and processes. Several staff members would be required for ongoing implementation and supervision of activities to ensure established requirements are being followed. Additional staff would be required depending on the number of OTCs participating in the program and the number of participating patients. A recent search of the Substance Abuse and Mental Health Services Administration (SAMHSA) web site identified over 100 centers within a five- mile radius of Baltimore. If just those treatment centers were to participate, costs would exceed \$2 million in the first year alone. Costs in subsequent years could reach over \$2 million annually.

To ensure the effective, safe, and accountable operation of the Reduced Fare program, it is not in the best interests of MDOT MTA, the State of Maryland, the Reduced Fare Program beneficiaries, and other stakeholders, to delegate the responsibilities of the Reduced Fare Certification Office to any entities or personnel outside direct accountability to MDOT or the State of Maryland.

The Maryland Department of Transportation respectfully requests that the committee consider this information while deliberating Senate Bill 399.

Respectfully submitted,

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