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MARFY Final Report

April 11, 2016

The 436th Session of the Maryland General Assembly concluded at midnight on Monday, April 11th, when it adjourned “Sine Die” with the traditional confetti release in both the Senate and House chambers. In this Session, the General Assembly considered 2,832 legislative bills – 584 more than last Session. MARFY followed more than 50 bills as well as the FY2017 Budget, and several of the bills of particular interest to MARFY members were enacted. In addition to engaging on legislative initiatives, much of MARFY’s advocacy activity to date has involved Administrative Agency interface. Those efforts are summarized below along with the summary of the primary bills of interest.

Agency Interface:

A prime objective of MARFY to date has been the development of positive working relationships with DHR, DJS, and DHMH leadership. Continued development of those relationships will remain a priority throughout the interim. Activities to date include:

DJS: MARFY had a very productive meeting with Secretary Abed early in the year. There were, however, only a couple of relevant Session issues that involved DJS. The primary issues of relevance with DJS are more likely to come into play as the Justice Reinvestment Act, which was enacted during the Session, begins to be implemented and its impact on the juvenile justice system, and providers that contract with DJS, can be better evaluated.

DHR: MARFY had a very productive meeting with Secretary Malhotra, Deputy Secretary James, and Government Affairs Staff Netsanet Kibret and Andrea Garvey to discuss the rate setting process, continuum of care and DHR’s plans for “modernization” of its IT systems and interagency communication. The Secretary indicated a willingness to utilize MARFY as a vehicle for communication with the provider community. MARFY will continue to foster that relationship moving into the interim.

DHMH: MARFY will be scheduling a meeting with relevant Behavioral Health Administration and Medicaid leadership over the interim to discuss concerns about the impact of “unbundling” the rates and the likely movement to require provider billing for certain unbundled services. There also is concern regarding the proposed Behavioral Health Administration regulations regarding mental health and substance abuse programs in addition to accreditation requirements. DHMH staff is aware of the desire for the meeting and has agreed to identify potential dates following the close of Session. MARFY should hold an internal meeting to clarify the issues to be discussed before the DHMH meeting is scheduled.

Budget:

The House and Senate reached an agreement on the budget with little controversy this year. Similar to last Session, the General Assembly “fenced off” almost \$80 million to be used to fund

eleven General Assembly priorities, including E&M codes for primary and specialty physicians and psychiatry. The identified priorities were not directly relevant to MARFY members. Governor Hogan has the right to (or not) fund these priorities. To the extent that these programs are not funded by the Governor, the monies will remain unspent. Of importance to MARFY members is the \$13,784,449 appropriation provided to DHR to implement the first phase of “modernization” plan that has been developed by the Department to transform the IT interface between DHR programs and across Administrative Agencies.

The budget bill also contains two notable reports. The first report (due by December 15, 2016) requires the Department of Budget and Management to contract with an entity to conduct an independent review of eligibility determination entry points for health and social services in other states, to serve as a potential model for Maryland in order to: (1) maximize access to those services; (2) reduce duplication, inefficiency, and costs; and, (3) maximize federal fund participation. To assist in the review, on request of the independent reviewer, State agencies that currently serve as an entry point for health and social services must submit how many individuals they currently enroll or re-enroll, the mechanism by which those individuals enroll or re-enroll, outreach and enrollment strategies, the number of personnel directly involved in enrollment or re-enrollment activities, funding to support those personnel or any other contract related to enrollment or re-enrollment activities, and any other relevant requested information.

The second report is connected to a \$13,784,449 appropriation to begin the upgrade of eligibility and other functions under the Department of Human Resources, a much-needed expenditure. Prior to being able to spend this amount, the Department of Information Technology and DHR must submit a report to the budget committees on the project which addresses: (1) State and federal costs of the project, including an approved Advanced Planning Document; (2) the project timeline, including subsequent components such as the replacement of DHR’s information technology systems; (3) procurement process; (4) agencies involved in the project, including the role of each agency and the funding provided by each agency; and, (5) project governance.

MARFY will remain in contact with DHR on this important advancement and will keep members apprised of future developments.

Bills of Interest:

The following is a list of bills of particular interest to MARFY which were enacted. A full list of all bills monitored is provided with this report.

Foster Care Recipients:

There were a number of initiatives enacted that specifically address issues relevant to youth in foster care.

Senate Bill 73/House Bill 360 (*Maryland Loan Assistance Repayment Program for Foster Care Recipients*) establishes a Maryland Loan Assistance Repayment Program (LARP) for Foster Care Recipients. The Office of Student Financial Assistance (OSFA) within the Maryland Higher Education Commission (MHEC) must assist in the repayment of higher education loans owed by a foster care recipient who: (1) is employed on a full-time or part-time basis by the State, a county, or municipality of the State; (2) received an undergraduate degree from a public

institution of higher education in the State; and, (3) meets any other requirements established by the Office. The award shall be equal to 10% of the eligible individual's total loan debt.

House Bill 400 (*Higher Education – Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth – Modifications*) expands the eligibility for the tuition waiver for foster care recipients to include individuals who were in foster care out-of-state who meet the same qualifications as eligible individuals who were in foster care in the State. It also alters the eligibility requirements so that an individual is eligible if they were in foster care on their 18th birthday rather than at the time the individual graduated from high school or received a GED.

Senate Bill 252/House Bill 511 (*Maryland Medical Assistance Program – Former Foster Care Adolescents – Dental Care*) authorizes Medicaid, subject to the availability of State funds, to provide comprehensive dental care for former foster care adolescents who were in foster care in Maryland on their eighteenth birthday. Currently, dental care is provided until age 21 but is not provided from age 21 – 26 as medical care is. To provide this care, DHMH must receive a waiver from CMS. The bill requires DHMH to apply to CMS for a waiver to provide such services by October 1, 2016.

Senate Bill 785/House Bill 1162 (*Foster Youth Summer Internship Program*) removes the sunset from the Foster Youth Summer Internship Program first established through legislation in 2013. The program, which will now be permanently administered by DHR, is designed to provide “foster youth” with training and experience through internships in agencies within the Executive Branch of State government.

House Bill 1288 (*Higher Education – Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth*) allows noncredit courses taken to earn a vocational certificate to qualify for the foster care tuition waiver, and expands eligibility for the foster care recipient tuition waiver to include: (1) an individual who resided in an out-of-care placement in the State for at least one year, on or after the individual's thirteenth birthday; and, (2) returned to live with the individual's parents after the out-of-home placement ended.

Senate Bill 77 (*Human Resources – Transition Planning for Foster Youth*) alters, from age 16 to at least age 14, the age at which a juvenile court at a permanency planning hearing must determine the services needed to assist the child to transition from placement to successful adulthood. At each guardianship review hearing for a child who is at least 14 years of age, a juvenile court must determine the services needed to assist the child to make the transition from placement to successful adulthood. It is important to note that Maryland is already providing the services required starting at age 14 but the statute, prior to passage of this bill, did not reflect the current services known as “Ready by 21” which DHR has provided to all youth in foster care beginning at age 14 regardless of the youth's permanency plan or living arrangement. Passage of Senate Bill 77, introduced at the request of DHR, will bring Maryland statute in line with current policy and practice and will help ensure the protection of critical Title IV-E federal funding ensuring that Maryland law conforms to federal guidelines.

Other Issues:

House Bill 192 (*Juvenile Causes - Permanency Plans - Age Restrictions on Use of Another Planned Permanent Living Arrangement*) This bill establishes that a child's permanency plan

may be another planned permanent living arrangement that meets specified requirements only if the child is at least age 16. The bill may help the State retain Title IV-E and IV-B federal funding by ensuring that Maryland law conforms to federal guidelines.

Senate Bill 355/House Bill 431 (*Maryland Achieving a Better Life Experience (ABLE) Program – Establishment*) was enacted. The legislation establishes a program for disabled individuals that is analogous to the 529 college savings plans. It provides a mechanism for disabled individuals to secure resources they could use throughout their lives while concurrently providing tax deductions to those who contributed to the fund. The federal government recently approved the creation of these accounts and passage of this legislation authorizes Maryland to develop the program.

Senate Bill 310/House Bill 245 (*Child Abuse and Neglect – Failure to Report*) requires an agency that is participating in a child abuse or neglect investigation, and that has substantial grounds to believe that a person has knowingly failed to report suspected abuse or neglect, to file a complaint with the appropriate licensing board (if the person is a health practitioner), law enforcement agency (if the person is a police officer), or the appropriate agency, institution, or licensed facility at which the person is employed (if the person is an educator or human service worker).

| Number (Cross File) Total: 50 | Title | Primary Sponsor | Status | Original House Committee(s) and Hearing Dates | Opposite House Committee(s) and Hearing Dates | Notes |
|-------------------------------------|---|---------------------------------|--|---|---|---------|
| HB0007 (SB0031) | Family Law - Child Abuse and Neglect - Expungement of Reports and Records - Time Period | Delegate Sophocleus | Unfavorable Report by Judiciary; Withdrawn | Judiciary | | Monitor |
| HB0022 (SB0147) | Ethan Saylor Alliance for Self-Advocates as Educators - Membership and Duties - Community Inclusion Training Oversight | Delegate Krimm | Returned Passed | Health and Government Operations 1/26/2016 - 1:00 p.m. | Finance 3/24/2016 - 1:00 p.m. | Monitor |
| HB0066 | Residential Child Care Capital Grant Program - Repeal | Chair, Appropriations Committee | Returned Passed | Appropriations 1/26/2016 - 3:30 p.m. | Budget and Taxation 3/23/2016 - 1:00 p.m. | Monitor |
| HB0192 (SB0360) | Juvenile Causes - Permanency Plans - Age Restrictions on Use of Another Planned Permanent Living Arrangement | Chair, Judiciary Committee | Returned Passed | Judiciary 2/4/2016 - 1:00 p.m. | Judicial Proceedings | Monitor |
| HB0196 | Juveniles - Pretrial Detention - Confinement in Juvenile Facilities | Delegate Haynes | Unfavorable Report by Judiciary | Judiciary 2/4/2016 - 1:00 p.m. | | Monitor |
| HB0245 (SB0310) | Child Abuse and Neglect - Failure to Report | Delegate Dumais | Returned Passed | Judiciary 2/11/2016 - 1:00 p.m. | Judicial Proceedings | Monitor |
| HB0275 | Department of Housing and Community Development - Neighborhood and Community Assistance Program - Community Investment Tax Credit | Chair, Ways and Means Committee | Hearing 2/16 at 1:00 p.m. | Ways and Means 2/16/2016 - 1:00 p.m. | | Monitor |
| HB0292 | Police Training Commission - Training Requirements - Human Trafficking | Delegate Robinson, B. | Unfavorable Report by Judiciary | Judiciary 2/9/2016 - 1:00 p.m. | | Monitor |
| HB0360 (SB0073) | Maryland Loan Assistance Repayment Program for Foster Care Recipients | Delegate Jalisi | Passed Enrolled | Ways and Means 2/11/2016 - 1:00 p.m. | Education, Health, and Environmental Affairs | Support |
| HB0400 | Higher Education - Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth - Modifications | Delegate Washington, M. | Returned Passed | Ways and Means 2/25/2016 - 1:00 p.m. | Education, Health, and Environmental Affairs 3/30/2016 - 1:00 p.m. | Support |
| HB0431 | Maryland Achieving a Better Life | Delegate Bromwell | Returned Passed | Health and | Budget and Taxation | Support |

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| (SB0355) | Experience (ABLE) Program - Establishment | | | | Government Operations 2/23/2016 - 1:00 p.m. | 3/31/2016 - 1:00 p.m. | |
| HB0511 (SB0252) | Maryland Medical Assistance Program - Former Foster Care Adolescents - Dental Care | Delegate Cullison | Returned Passed | | Health and Government Operations 2/9/2016 - 1:00 p.m. | Finance 4/5/2016 - 1:00 p.m. | Support |
| HB0551 | Education - Children With Disabilities - Individualized Education Program Mediation | Delegate Kaiser | Passed Enrolled | | Ways and Means 3/14/2016 - 1:00 p.m. | Education, Health, and Environmental Affairs 3/30/2016 - 1:00 p.m. | Monitor |
| HB0579 (SB0858) | Mental Health - Wraparound Services for Children and Youth | Delegate Rosenberg | Unfavorable Report by Health and Government Operations; Withdrawn | | Health and Government Operations 2/16/2016 - 1:00 p.m. | | Support |
| HB0683 (SB0448) | Guardianship and Child in Need of Assistance Proceedings - Jurisdiction and Authority of Juvenile Court | Delegate Moon | Rereferred to Judicial Proceedings | | Judiciary 3/3/2016 - 1:00 p.m. | Judicial Proceedings | Monitor |
| HB0772 (SB0262) | Family Law - Protecting the Resources of Children in State Custody | Delegate Moon | Unfavorable Report by Judiciary; Withdrawn | | Judiciary 3/3/2016 - 1:00 p.m. | | Monitor |
| HB0811 | Juvenile Services - Child Victims of Human Trafficking | Delegate Morales | Unfavorable Report by Judiciary; Withdrawn | | Judiciary | | Withdrawn |
| HB0825 (SB0577) | Child Protection - Reporting - Threat of Harm | Delegate Valentino-Smith | Unfavorable Report by Judiciary | | Judiciary 3/3/2016 - 1:00 p.m. | | Monitor |
| HB1162 (SB0785) | Foster Youth Summer Internship Program | Delegate Reznik | Returned Passed | | Appropriations 3/1/2016 - 1:00 p.m. | Finance 3/29/2016 - 1:00 p.m. | Support |
| HB1288 | Higher Education - Tuition Waivers for Foster Care Recipients and Unaccompanied Homeless Youth | Delegate Young, P. | Passed Enrolled | | Appropriations 3/8/2016 - 1:00 p.m. | Education, Health, and Environmental Affairs 3/30/2016 - 1:00 p.m. | Support |
| HB1312 (SB1005) | Justice Reinvestment Act | Speaker | Rereferred to Judicial Proceedings | | Judiciary 3/4/2016 - 2:00 p.m. Health and Government Operations | Judicial Proceedings | Monitor |
| HB1465 | Foster Care - Standards for Foster Parents | Delegate Washington, M. | Hearing 3/31 at 1:00 p.m. | | Judiciary 3/3/2016 - 1:00 p.m. | Judicial Proceedings 3/31/2016 - 1:00 p.m. | Support |
| HB1484 | Child Placement - Prohibition on Human | Delegate Wilson, C. | Unfavorable Report by | | Judiciary | | Monitor |

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| (SB0015) | Trafficking, Restrictions on Advertising, and Reporting Requirements | | | Judiciary; Withdrawn | | | |
| HB1499 (SB0413) | Developmental Disabilities Administration - Crisis Resolution Funding | Delegate Cullison | Hearing 3/11 at 1:00 p.m. (Health and Government Operations) | Health and Government Operations 3/11/2016 - 1:00 p.m. Appropriations | | | Support |
| HB1501 | Governor's Office for Children - Family Navigators Program | Delegate Stein | Unfavorable Report by Appropriations | Appropriations 3/8/2016 - 1:00 p.m. | | | Support |
| HB1509 (SB0586) | Department of Health and Mental Hygiene - Regional Institutes for Children and Adolescents - Report Before Closure | Delegate Hixson | First Reading House Rules and Executive Nominations | Rules and Executive Nominations | | | Monitor |
| HB1616 | Residential Service Agencies - Third Party Payor Reimbursement - Entitlement | Delegate Bromwell | First Reading House Rules and Executive Nominations | Rules and Executive Nominations | | | Monitor |
| SB0015 (HB1484) | Child Placement - Prohibition on Human Trafficking, Restrictions on Advertising, and Reporting Requirements | Senator Young | Unfavorable Report by Judicial Proceedings | Judicial Proceedings 1/27/2016 - 1:00 p.m. | | | Monitor |
| SB0031 (HB0007) | Family Law - Child Abuse and Neglect - Expungement of Reports and Records - Time Period | Senator DeGrange | Passed Enrolled | Judicial Proceedings 1/27/2016 - 1:00 p.m. | Judiciary 3/22/2016 - 1:00 p.m. | | Monitor |
| SB0073 (HB0360) | Maryland Loan Assistance Repayment Program for Orphans and Foster Care Recipients | Senator Young | Favorable with Amendments Report by Ways and Means | Education, Health, and Environmental Affairs 1/20/2016 - 3:00 p.m. | Ways and Means 3/24/2016 - 1:00 p.m. | | Support |
| SB0077 | Human Resources - Transition Planning for Foster Youth | Chair, Judicial Proceedings Committee | Passed Enrolled | Judicial Proceedings 1/27/2016 - 1:00 p.m. | Judiciary 3/23/2016 - 1:00 p.m. | | Support |
| SB0079 | State Citizens Review Board for Children - Penalties for Unauthorized Disclosure of Child Protection Case Information | Chair, Judicial Proceedings Committee | Returned Passed | Judicial Proceedings 1/27/2016 - 1:00 p.m. | Judiciary 3/23/2016 - 1:00 p.m. | | Monitor |
| SB0081 | Juvenile Law - Continuum of Care - Repeal of Termination Date | Chair, Judicial Proceedings Committee | Unfavorable Report by Judicial Proceedings; Withdrawn | Judicial Proceedings 1/21/2016 - 1:30 p.m. | | | Support |
| SB0102 | Governor's Office for Children and Services to Children | Chair, Education, Health, and Environmental Affairs Committee | Referred to Finance (Senator Conway) Adopted | Finance 1/20/2016 - 3:00 p.m. | | | Monitor |
| SB0147 | Ethan Saylor Alliance for Self-Advocates as | Senator Hough | Returned Passed | Finance | Health and Government | | Monitor |

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| (HB0022) | Educators - Membership and Duties - Community Inclusion Training Oversight | | | | | 2/17/2016 - 1:00 p.m. | Operations 3/22/2016 - 1:00 p.m. | |
| SB0189 | Juveniles - Restraint and Searches - Limitations | Senator Kelley | Unfavorable Report by Judicial Proceedings; Withdrawn | Judicial Proceedings | Withdrawn | | | Withdrawn |
| SB0252 (HB0511) | Maryland Medical Assistance Program - Former Foster Care Adolescents - Dental Care | Senator Pugh | Returned Passed | Finance 2/3/2016 - 2:00 p.m. | Health and Government Operations 3/22/2016 - 1:00 p.m. | | | Support |
| SB0262 (HB0772) | Family Law - Protecting the Resources of Children in State Custody | Senator Raskin | Recommitted to Judicial Proceedings (Senator Zirkin) | Judicial Proceedings 2/18/2016 - 1:00 p.m. | Monitor | | | |
| SB0310 (HB0245) | Child Abuse and Neglect - Failure to Report | Senator Raskin | Returned Passed | Judicial Proceedings 2/18/2016 - 1:00 p.m. | Monitor | | Judiciary 3/31/2016 - 1:00 p.m. | Monitor |
| SB0325 | Juvenile Services Education - Modifications | Senator Kelley | Hearing 2/17 at 1:00 p.m. (Budget and Taxation) | Budget and Taxation 2/17/2016 - 1:00 p.m. | Monitor | | | |
| SB0355 (HB0431) | Maryland Achieving a Better Life Experience (ABLE) Program - Establishment | Senator Feldman | Returned Passed | Budget and Taxation 2/24/2016 - 1:00 p.m. | Health and Government Support Operations 3/29/2016 - 1:00 p.m. | | | |
| SB0360 (HB0192) | Juvenile Causes - Permanency Plans - Age Restrictions on Use of Another Planned Permanent Living Arrangement | Chair, Judicial Proceedings Committee | Passed Enrolled | Judicial Proceedings 2/4/2016 - 1:00 p.m. | Monitor | | Judiciary 3/29/2016 - 1:00 p.m. | Monitor |
| SB0413 (HB1499) | Developmental Disabilities Administration - Crisis Resolution and Prevention Resolution Services - Funding and Reporting | Senator Guzzone | Hearing 3/29 at 1:00 p.m. (Health and Government Operations) | Finance 2/10/2016 - 1:00 p.m. | Health and Government Support Operations 3/29/2016 - 1:00 p.m. | | Appropriations | Support |
| SB0448 (HB0683) | Guardianship and Child in Need of Assistance Proceedings - Jurisdiction and Authority of Juvenile Court | Senator Kelley | Conference Committee Appointed | Judicial Proceedings 2/16/2016 - 1:00 p.m. | Monitor | | Judiciary 3/29/2016 - 1:00 p.m. | Monitor |
| SB0577 (HB0825) | Child Protection - Reporting - Threat of Harm | Senator Ramirez | Unfavorable Report by Judicial Proceedings | Judicial Proceedings 2/18/2016 - 1:00 p.m. | Monitor | | | Monitor |
| SB0586 (HB1509) | Department of Health and Mental Hygiene - Regional Institutes for Children and Adolescents - Report Before Closure | Senator King | Returned Passed | Finance 2/25/2016 - 1:00 p.m. | Health and Government Monitor Operations 3/31/2016 - 1:00 p.m. | | | Monitor |
| SB0768 | Justice Reinvestment Oversight Board | Senator Peters | Hearing 3/14 at 1:00 p.m. | Budget and Taxation | Monitor | | | Monitor |

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| | | | (Budget and Taxation) | | 3/14/2016 - 1:00 p.m. Judicial Proceedings | | |
| SB0785 (HB1162) | Foster Youth Summer Internship Program | Senator Zucker | Returned Passed | | Finance 3/10/2016 - 1:00 p.m. | Appropriations 3/29/2016 - 1:00 p.m. | Support |
| SB0858 (HB0579) | Mental Health - Wraparound Services for Children and Youth | Senator Kelley | Unfavorable Report by Finance; Withdrawn | | Finance | | Support |
| SB1005 (HB1312) | Justice Reinvestment Act | President | Passed Enrolled | | Judicial Proceedings 3/2/2016 - 1:00 p.m. | Judiciary Health and Government Operations | Monitor |