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HEADLINE: Md. welfare plan would test applicants for drug use; Abusers would face treatment program, possible loss of benefits

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BODY:

Key Maryland lawmakers are hoping to require drug tests for welfare applicants and to withhold benefits from those who continue to abuse drugs after entering a treatment program.

Members of the legislature's Joint Committee on Welfare Reform said yesterday that they will push a bill in the coming session of the General Assembly to require the tests -- an effort to ensure that money from the welfare program is used to benefit children and not to buy drugs.

If it becomes law, the Maryland program will be one of the most far-reaching attempts to prevent taxpayer money from being used to support a drug habit.

"Other states have selectively tested welfare recipients for drug use, but I don't know of any other state that at this point is moving to do this on such a broad scale," said Amy S. Tucci, a spokeswoman for the American Public Welfare Association.

"It's the only state that I know of that is considering drug-testing the entire population that applies for cash assistance," Tucci said.

Sen. Martin G. Madden, a Howard County Republican who co-chairs the committee, said the panel's long-term goal is "to change future behavior" by "demanding personal responsibility."

Del. Samuel I. Rosenberg, a Baltimore Democrat and the other co-chair, explained the committee's rationale in voting to recommend the plan. "Instead of the status quo, which is harmful to children and the parent who is taking drugs, we're saying we want treatment -- which benefits the person taking drugs and the children, who won't be taken care of by someone taking drugs," he said.

Under the proposal, a person applying for Temporary Cash Assistance (Maryland's new name for Aid to Families with Dependent Children) would be tested for illegal drug use. If the applicant tested positive, he or she would be referred to a drug treatment program -- provided a slot were available, legislators said.

Once in treatment, the applicant would be eligible for benefits but would be subject to a random retest. If the person were to refuse the test or test positive again, he or she would lose the parent's portion of the welfare grant, and money for the children would be paid to a third party for dispersal.

For a family of three, the loss of the parent's share of the monthly grant would be \$ 81, reducing the total from \$ 373 to \$ 292 for the two children.

Also under the plan, if an applicant failed the test, the matter would be referred to a Child Protective Services agency for investigation to determine whether the parent were fit or if the children should be placed in foster care, Madden said.

Using estimates that about 5,300 people a month will apply for welfare for their families, the drug testing would cost roughly \$ 1.2 million a year, according to the legislature's Department of Fiscal Services.

About 10 percent of the applicants would likely test positive, legislative analysts estimated. An estimated 5 percent would refuse treatment and opt to have their grant reduced, resulting in the state's saving about \$ 310,000 a year, the analysts said.

Sen. Decatur W. Trotter, a Prince George's Democrat who sits on the committee, raised concerns about a shortage of drug treatment slots and the fairness of the state withholding money if an applicant could not fulfill the requirement of getting treatment.

But Rosenberg said the sanctions would apply only if treatment were available.

Under the proposal, parents required to enter treatment could do so through their Medicaid managed care organizations, which are required to offer nonresidential drug treatment to welfare enrollees. All persons eligible for welfare are eligible for Medicaid.

Because the managed care organizations already must offer drug treatment, the cost to the state would not increase significantly, analysts said.

Rosenberg said that before finalizing the recommendations and drafting legislation, the committee would refer the proposal to the Maryland attorney general's office to ensure it would pass constitutional muster.

"We clearly want to do this in a way that is constitutionally sound and serves the best interest of the children," he said.

Donna L. Jacobs, Gov. Parris N. Glendening's deputy chief of staff for human resources issues, said the administration would "have to look at [the proposal] and learn the details" before commenting.

Jacobs said a work group at the state Department of Human Resources also is examining "issues surrounding drugs and welfare" and is scheduled to make its recommendations tomorrow.

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