

Part M

Human Resources

Social Services – Generally

Eligibility for Temporary Cash Assistance and Food Stamps

Under the federal food stamp program, individuals convicted of a felony involving possession, use, or distribution of a controlled dangerous substance may not receive benefits unless the individual's state has opted out of this requirement. Maryland has opted out for custodial parents but not for childless adults. Custodial parents with felony drug convictions are subject to substance abuse testing for two years from the date of their application for benefits.

Senate Bill 463/House Bill 1024 (both passed) allow the Department of Human Resources (DHR) to provide cash assistance and food stamps to childless adults with felony drug convictions who are otherwise qualified for the assistance, subject to the same substance abuse testing requirements as custodial parents. The bills are intended to assist individuals with substance abuse problems to become more self-sufficient and reduce recidivism.

Electric Universal Service Program

The Electric Universal Service Program (EUSP) helps Maryland's vulnerable populations and other traditionally underserved populations pay their electric bills, minimize crises, and reduce their electric costs. Benefits include bill payment assistance, arrearage retirement, and weatherization services. *House Bill 299 (passed)* transfers EUSP's low-income weatherization component from DHR to the Department of Housing and Community Development. The bill maintains DHR's responsibility for administering EUSP's bill assistance and arrearage retirement components and its authority to contract with other entities to assist in administering the two components. The bill repeals the Public Service Commission's (PSC) oversight responsibility of the weatherization component of EUSP and retains PSC oversight of EUSP's bill assistance and arrearage components.

The Elderly

Older Americans Act Funds

The Maryland Department of Aging (MDoA) allocates federal Older Americans Act funds to local area agencies on aging pursuant to certain funding formulas. In fiscal 2005, the use of new 2000 census data caused rural jurisdictions and Baltimore City to lose significant federal Older Americans Act funds. Therefore, the Budget Reconciliation and Financing Act of 2004 required the Governor to include \$442,210 in hold harmless funds in MDoA's budget for fiscal 2005 and 2006.

House Bill 1321 (failed) would have provided a new funding formula for the distribution of federal Older Americans Act funds beginning in fiscal 2006.

House Bill 147 (passed) requires that, for fiscal 2007, MDoA must allocate Older Americans Act funds using existing formulas and the Governor must again include \$442,210 in hold harmless funds in MDoA's budget to mitigate the impact on rural jurisdictions and Baltimore City.

Program Funding Restorations

MDoA's fiscal 2006 budget allowance included reductions of (1) \$200,000 in the assisted living subsidy program, (2) \$150,000 in the congregate housing program, (3) approximately \$500,000 in the nutrition program, and (4) \$500,000 for the senior center operating fund contingent upon legislation. MDoA estimated that the housing program reduction would cause some seniors to immediately transfer into nursing homes and that the nutrition program reduction would result in approximately 76,000 fewer meals. The General Assembly restricted funds in the budget to restore full funding for congregate housing, assisted living, and the senior nutrition program. The senior center operating fund received a \$150,000 allocation from the General Assembly.

Senate Bill 80 (passed) authorizes the Secretary of Aging to impose a civil money penalty against a provider of congregate housing for violating certain provisions of the congregate housing services program. A provider may appeal the imposition of a civil money penalty under the provisions of the Administrative Procedure Act.

House Bill 324 (passed) extends the Senior Prescription Drug Program until the new federal Medicare prescription drug benefit becomes available, renames the program to be the Senior Prescription Drug Assistance Program, and modifies the program to provide a subsidy for Medicare prescription drug plan premiums and deductibles. For a more in-depth discussion of *House Bill 324* see the Health Insurance section of Part J – Health of this *90 Day Report*.

Senate Bill 701/House Bill 893 (both passed) changes the name of the Oversight Committee on Quality of Care in Nursing Homes to the Oversight Committee on Quality of Care

in Nursing Homes and Assisted Living Facilities. Several changes are made to the membership of the committee including the addition of three representatives from the assisted living industry.

The Disabled

Department of Disabilities

The Department of Human Resources (DHR) Attendant Care Program reimburses consumers with chronic or severe physical disabilities who require attendant services.

House Bill 1542 (passed) transfers the Office of Personal Assistance Services and the Attendant Care Program from DHR to the Department of Disabilities and establishes the Personal Assistance Services Advisory Committee within the Department of Disabilities. The committee is required to provide guidance to the Department of Disabilities on personal care, attendant care, and home care services and report annually on the Attendant Care Program to the General Assembly.

Developmental Disabilities Administration

Prioritization System for Investigations

Providers licensed by the Developmental Disabilities Administration (DDA) are required to identify, report, investigate, review, correct, and monitor situations and events that threaten the health, safety, or well-being of individuals receiving services from the provider. *Senate Bill 702/House Bill 651 (both passed)* require the DDA, in conjunction with the Office of Health Care Quality, to adopt regulations establishing a protocol to determine the necessity to investigate a serious reportable incident (such as physical, sexual, or psychological abuse or inhumane treatment). The protocol will take into account the severity of the incident, the quality of the licensee's internal investigation, and the number and frequency of serious reportable incidents.

Individuals with Developmental Disabilities

Senate Bill 776/House Bill 988 (both passed) make it a right for each developmentally disabled individual receiving services from DDA or from a DDA licensee to receive treatment, services, and habilitation in the most integrated setting and to be informed of all the most integrated setting service options. An individual's annual reevaluation must include a determination of whether services could be provided in more integrated settings.

Written Plan of Habilitation

DDA operates four residential facilities: Rosewood Center, Potomac Center, Joseph D. Brandenburg Center, and Holly Center. *House Bill 794 (passed)* requires an individual with a developmental disability living in a DDA residential facility to receive resource coordination services. The bill does not apply to the Holly Center as that facility already provides targeted case management to residents.

Blind and Deaf Persons

Access to Technology for Blind Individuals

Senate Bill 360/House Bill 1142 (both passed) require the governing board of each public institution of higher education to develop a nonvisual access clause for use in the procurement of computer-based instructional technology by January 1, 2007. For a more detailed discussion of this issue, see the subpart “Higher Education” within Part L – Education of this *90 Day Report*.

Visual Smoke and Evacuation Alarms for the Deaf and Hard of Hearing

Senate Bill 735 (passed) establishes the Task Force to Study Visual Smoke and Evacuation Alarms for the Deaf and Hard of Hearing to study and make recommendations regarding emergency evacuation plans, emerging technology, installation costs of alarm systems, and potential funding sources. A more detailed discussion of this bill can be found under Part E – Crimes, Corrections, and Public Safety of this *90 Day Report*.

Miscellaneous

House Bill 1236 (passed) establishes the Community College Students with Disabilities Task Force to identify strategies to improve educational and employment outcomes for community college students with disabilities. A more detailed discussion of this bill can be found under Part L – Education of this *90 Day Report*.

Senate Bill 630 (passed) alters the eligibility requirements for special disability registration plates and parking placards for individuals with disabilities. A more detailed discussion of this bill can be found under Part G – Transportation and Motor Vehicles of this *90 Day Report*.

Screening Practices for Autism Spectrum Disorders

Senate Bill 834/House Bill 579 (both passed) create a pilot program to study and improve screening practices for autism spectrum disorders administered by the Maryland State Department of Education. For a more detailed discussion of this issue, see the subpart “Public Health – Generally” within Part J – Health of this *90 Day Report*.

Children

Child Welfare

Foster Care

Breaking from past practice, the Fiscal 2006 Budget, *House Bill 150 (passed)*, fully funds foster care based on current caseload projections. The Fiscal 2006 Budget increases by \$52 million over the current fiscal year, including nearly \$44 million in general funds.

Staffing Ratios

For a number of years the General Assembly has urged the Executive to provide sufficient funds to reduce child welfare caseload to staff ratios to the standards recommended by the Child Welfare League of America (CWLA). The Fiscal 2006 Budget includes \$1.4 million to allow the Department of Human Resources (DHR) to fill more child welfare caseworker positions and ensure that caseload to staff ratios meet the CWLA standards. The General Assembly added budget language restricting \$2 million in funding for fiscal 2006 unless DHR maintains the number of filled caseworker and supervisor positions necessary to meet the CWLA standards.

Other Budget Initiatives

The Fiscal 2006 Budget also includes \$1.7 million for the development of a Child Welfare Training Academy. The academy will provide training to child welfare caseworkers and to foster care and adoptive families. An additional \$1 million is included in fiscal 2006 to recruit foster care families, which are the lowest cost out-of-home placement option.

Office for Children, Youth, and Families

The statutory authority for the Office for Children, Youth, and Families (OCYF) will terminate July 1, 2005, after the Administration's unsuccessful effort to make the office a permanent cabinet level entity through the introduction of *Senate Bill 222/House Bill 293 (both failed)*. *House Bill 293* was amended by the House to repeal OCYF and transfer its functions and positions to the Department of Health and Mental Hygiene, the Maryland State Department of Education, and the Department of Human Resources. Under *House Bill 293*, the Subcabinet for Children, Youth, and Families would have continued. The Secretary of Health and Mental Hygiene would have served as the Subcabinet's chair. Additionally, *House Bill 293* would have continued the functions of the Local Management Boards and Local Coordinating Councils. *Senate Bill 222* as amended by the Senate, would have extended the termination date of OCYF for one year and would have established a task force to study the reorganization of the office.

With the failure of *Senate Bill 222/House Bill 293*, provisions in the fiscal 2006 budget, as passed by the General Assembly, take effect that reduce the fiscal 2006 budget for the office by \$2.1 million and abolish 18 positions. The fiscal 2006 appropriation for the office will be \$1.9 million, with 20 positions remaining. Although the office's statutory authority will

terminate, the remaining funds and positions will support the following functions: local management board management and monitoring, systems of care reform, the Subcabinet for Children, Youth, and Families Fund, and the Subcabinet for Children, Youth, and Families Information System. The Governor must determine where those functions will be located in State government.

Child Care Administration

Senate Bill 759/House Bill 932 (both passed) transfer the Child Care Administration, excluding the Office of Child Care Subsidy, from the Department of Human Resources (DHR) to the Maryland State Department of Education (MSDE) and require the State Superintendent of Schools to establish an Early Childhood Development Division. The Purchase of Care child care voucher program remains in DHR. Additionally, *Senate Bill 759/House Bill 932* transfer responsibility for home visiting programs, Healthy Families Maryland, and the School Based Health Care Initiative from OCYF to MSDE. A more detailed discussion of this bill can be found under Part L – Education of this *90 Day Report*.