

HOUSE BILL 889

J1, O1, P1

2lr2235

By: **Delegates Saab and Chisholm**

Introduced and read first time: February 7, 2022

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public Assistance Programs – Data Sharing and Review**
3 **(Welfare Program Integrity Act of 2022)**

4 FOR the purpose of requiring the Inspector General in the Maryland Department of Health
5 and the Family Investment Administration to review certain information on a
6 certain basis; requiring the Maryland Department of Health to enter into
7 data-sharing agreements with the Division of Vital Records and the Maryland
8 Department of Labor for a certain purpose; authorizing the Maryland Department
9 of Health and the Family Investment Administration to manage and enter into
10 data-sharing agreements with certain entities for a certain purpose; requiring the
11 Family Investment Administration to enter into data-sharing agreements with the
12 Maryland Lottery and Gaming Control Agency, the Maryland Department of Health,
13 Division of Vital Records, and the Maryland Department of Labor for certain
14 purposes; and generally relating to public assistance programs, data sharing, and
15 Inspector General review.

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 2–503
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

21 BY adding to
22 Article – Health – General
23 Section 15–104.1
24 Annotated Code of Maryland
25 (2019 Replacement Volume and 2021 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – Human Services
28 Section 5–205

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2019 Replacement Volume and 2021 Supplement)

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

5 **Article – Health – General**

6 2–503.

7 (a) The Inspector General:

8 (1) May investigate fraud, waste, and abuse of departmental funds;

9 (2) Shall cooperate with and coordinate investigative efforts with the
10 Medicaid Fraud Control Unit and where a preliminary investigation establishes a sufficient
11 basis to warrant referral, shall refer such matters to the Medicaid Fraud Control Unit;
12 [and]

13 (3) Shall cooperate with and coordinate investigative efforts with
14 departmental programs and other State and federal agencies to ensure a provider is not
15 subject to duplicative audits; AND

16 (4) **SHALL REVIEW THE INFORMATION SHARED IN ACCORDANCE**
17 **WITH § 15–104.1 OF THIS ARTICLE AND § 5–205 OF THE HUMAN SERVICES ARTICLE**
18 **AT LEAST QUARTERLY.**

19 (b) (1) The Inspector General or a designated Assistant Inspector General may
20 subpoena any person or evidence, administer oaths, and take depositions and other
21 testimony for the purpose of investigating fraud, waste, or abuse of departmental funds.

22 (2) If a person fails to comply with a lawful order or subpoena issued under
23 this subsection, on petition of the Inspector General or a designated Assistant Inspector
24 General, a court of competent jurisdiction may compel:

25 (i) Compliance with the order or subpoena; or

26 (ii) Testimony or the production of evidence.

27 (C) **NOTHING IN THIS SECTION MAY BE CONSTRUED TO PROHIBIT THE**
28 **INSPECTOR GENERAL FROM CONTRACTING WITH AN INDEPENDENT VENDOR TO**
29 **PROVIDE ADDITIONAL DATA OR INFORMATION.**

30 **15–104.1.**

31 (A) **THIS SECTION APPLIES ONLY TO:**

1 all public assistance programs in the State, including:

2 (1) the Family Investment Program and related cash benefit programs;

3 (2) public assistance to adults;

4 (3) emergency assistance;

5 (4) food stamps;

6 (5) medical assistance eligibility determinations;

7 (6) the Energy Assistance Program;

8 (7) the Temporary Disability Assistance Program; and

9 (8) any other public assistance activities financed wholly or partly by the
10 Administration.

11 (b) The Administration shall supervise, direct, and control the activities of the
12 local departments that it finances wholly or partly.

13 (c) (1) The Administration may visit any State-aided institution,
14 organization, or agency engaged in public assistance activities and inspect thoroughly its
15 management, buildings, and equipment.

16 (2) Visits and inspections under paragraph (1) of this subsection shall be
17 made:

18 (i) at reasonably convenient hours; and

19 (ii) with reasonable regard for the established discipline,
20 regulations, and customs of the institution, organization, or agency.

21 (d) As desirable or necessary for the purpose of this title, the Administration may
22 designate existing agencies or organizations in the State as the Administration's agents.

23 **(E) (1) THIS SUBSECTION APPLIES ONLY TO:**

24 **(I) MEDICAID; AND**

25 **(II) THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.**

26 **(2) THE ADMINISTRATION SHALL:**

27 **(I) ENTER INTO DATA-SHARING AGREEMENTS, INCLUDING BY**

1 A MEMORANDUM OF UNDERSTANDING, WITH:

2 1. THE STATE LOTTERY AND GAMING CONTROL
3 AGENCY TO IDENTIFY INDIVIDUALS WITH SUBSTANTIAL LOTTERY OR GAMBLING
4 WINNINGS; AND

5 2. THE MARYLAND DEPARTMENT OF HEALTH, DIVISION
6 OF VITAL RECORDS AND THE MARYLAND DEPARTMENT OF LABOR TO IDENTIFY
7 ANY CHANGES IN CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL'S ELIGIBILITY
8 FOR A PUBLIC ASSISTANCE PROGRAM LISTED UNDER SUBSECTION (A) OF THIS
9 SECTION;

10 (II) IN ACCORDANCE WITH ITEM (I) OF THIS PARAGRAPH, SHARE
11 THE FOLLOWING INFORMATION:

12 1. DEATH RECORDS;

13 2. GAMBLING WINNINGS;

14 3. LOTTERY WINNINGS;

15 4. TAX FILINGS OR INFORMATION; AND

16 5. INCOME RECORDS OR INFORMATION; AND

17 (III) REVIEW ANY INFORMATION SHARED IN ACCORDANCE WITH
18 ITEMS (I) AND (II) OF THIS PARAGRAPH TO IDENTIFY ANY CHANGES IN
19 CIRCUMSTANCES THAT MAY AFFECT AN INDIVIDUAL'S ELIGIBILITY FOR THE
20 PROGRAM:

21 1. FOR ITEM (II)1 THROUGH 3 OF THIS PARAGRAPH, AT
22 LEAST MONTHLY; AND

23 2. FOR ITEM (II)4 AND 5 OF THIS PARAGRAPH, AT LEAST
24 QUARTERLY.

25 (3) THE ADMINISTRATION MAY ENTER INTO AND MANAGE
26 DATA-SHARING AGREEMENTS WITH ANY FEDERAL, STATE, OR LOCAL DEPARTMENT,
27 AGENCY, OR DIVISION OR INDEPENDENT VENDOR IN ORDER TO PROVIDE
28 ADDITIONAL DATA OR INFORMATION RELEVANT TO THE PROVISIONS OF THIS
29 SUBSECTION.

30 [(e)] (F) Before the start of each regular session of the General Assembly, the

1 Administration shall submit a report of its activities to the Governor.

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