

HOUSE BILL 1542

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By: **Delegate Mosby**

Introduced and read first time: February 7, 2020

Assigned to: Environment and Transportation and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Public Health – Lead Poisoning Testing Program and Lead Poisoning**
3 **Prevention Fund**

4 FOR the purpose of requiring the Secretary of Health to establish and administer a Lead
5 Poisoning Testing Program, rather than a Lead Poisoning Screening Program;
6 altering the duties of the Program; requiring the Secretary to target resources to
7 promote and to provide blood tests for lead poisoning in certain areas; requiring the
8 Secretary to require health care providers caring for children that receive certain
9 funds, rather than only providers in certain areas, to administer certain blood tests
10 for lead poisoning to each child in the State at certain ages, rather than only to
11 certain children within a certain time frame; requiring certain health care providers
12 to provide certain information to certain individuals; establishing the Lead Poisoning
13 Prevention Fund as a special, nonlapsing fund; specifying the purpose of the Fund;
14 requiring the Secretary to administer the Fund; requiring the State Treasurer to
15 hold the Fund and the Comptroller to account for the Fund; specifying the contents
16 of the Fund; requiring certain manufacturers and wholesalers to pay certain
17 amounts into the Fund on or before a certain date each year; requiring certain health
18 care providers to submit certain reimbursement to the Fund; specifying the purpose
19 for which the Fund may be used; providing for the investment of money in and
20 expenditures from the Fund; providing that certain money is supplemental to and is
21 not intended to take the place of certain funding; establishing certain penalties;
22 defining a certain term; making a stylistic change; and generally relating to lead
23 poisoning testing and the Lead Poisoning Prevention Fund.

24 BY repealing and reenacting, with amendments,
25 Article – Environment
26 Section 6–303(a)
27 Annotated Code of Maryland
28 (2013 Replacement Volume and 2019 Supplement)

29 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Health – General
Section 18–106
Annotated Code of Maryland
(2019 Replacement Volume)

BY adding to

Article – Health – General
Section 18–106.1
Annotated Code of Maryland
(2019 Replacement Volume)

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

Article – Environment

6–303.

(a) (1) A medical laboratory, office, or other facility that draws blood from any child 18 years and under for analysis of blood lead levels shall obtain all information required by the Department, including the address, date of birth, sex, and race of the child.

(2) The medical laboratory, office, or facility drawing blood for analysis under paragraph (1) of this subsection shall forward the information required under paragraph (1) of this subsection with the blood to the medical laboratory that performs blood lead level testing.

(3) A medical laboratory that performs blood lead level testing shall report to the Department the results of blood lead level tests and the information required under paragraph (1) of this subsection in accordance with the time frames established by the Department.

(4) (i) In addition to the requirements of paragraph (3) of this subsection, for a child who resides in Baltimore City, a medical laboratory shall report the results of tests and the information required under paragraph (1) of this subsection to the Commissioner of the Baltimore City Health Department.

(ii) The Commissioner of the Baltimore City Health Department may report the information received under subparagraph (i) of this paragraph to the Baltimore Immunization Registry Program.

(5) (i) If a medical laboratory that performs blood lead level testing receives a blood sample without the information required under paragraph (1) of this subsection, the medical laboratory shall make a written request to the medical laboratory, office, or facility in which the blood was initially drawn for the information required under paragraph (1) of this subsection.

(ii) If the medical laboratory, office, or facility does not provide the information requested under subparagraph (i) of this paragraph, the medical laboratory that performs blood lead level testing shall inform the Department of the failure of the medical laboratory, office, or facility to provide the information required under paragraph (1) of this subsection.

(iii) A medical laboratory that performs blood lead level testing shall provide medical laboratories, offices, or facilities that draw blood with referral forms that request the information required by the Department, including the address, date of birth, sex, and race of the child.

(6) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A MEDICAL LABORATORY THAT FAILS TO SUBMIT THE REPORTS REQUIRED UNDER PARAGRAPHS (3) AND (4) OF THIS SUBSECTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.

Article – Health – General

18–106.

(a) The Secretary shall establish and administer a Lead Poisoning [Screening] **TESTING** Program that will assure the appropriate [screening] **BLOOD LEAD TESTING** of [children] **EACH CHILD** in Maryland for lead poisoning.

(b) The Lead Poisoning [Screening] **TESTING** Program shall:

(1) Encourage continuity of care with the child's continuing care health care provider;

(2) Promote timely, appropriate [screening] **BLOOD LEAD TESTING** of [children at risk of being poisoned by lead] **EACH CHILD IN THE STATE**;

(3) [Utilize] **USE** all of the payment mechanisms available to cover lead poisoning [screening] **TESTING**, including:

(i) Third party payments from insurers;

(ii) The Medical Assistance Program;

(iii) Primary care medical assistance programs established under waiver from the federal government;

(iv) Health maintenance organizations;

(v) Federally qualified and Maryland qualified community health centers; and

(vi) Any other Medicaid reimbursement or waiver to which the State may be entitled under this section;

(4) Target children under 6 years of age; **AND**

(5) Provide lead poisoning [screening] **TESTING** on a sliding fee scale at sites designated by local health departments for children unable to afford lead poisoning [screening; and

(6) Employ an initial questionnaire to assess children's exposure to potential lead hazards, except that children residing in at risk areas identified under subsection (c) of this section shall be screened by a blood test for lead poisoning] **TESTING**.

(c) The Secretary shall target efforts **AND RESOURCES** to promote and to provide blood tests for lead poisoning in at risk areas, as identified by:

(1) Census tract and zip code information noting areas with large concentrations of pre-1978 housing; and

(2) Highest rates of lead poisoning as evidenced by information provided to and by the Childhood Lead Registry established and maintained by the Department of the Environment.

(d) The Secretary shall require **HEALTH CARE** providers caring for children [in areas designated as at risk for lead poisoning, as determined under subsection (c) of this section,] **THAT RECEIVE FUNDS FROM THE STATE** to [administer]:

(1) ADMINISTER a blood test for lead poisoning [of children] TO EACH CHILD IN THE STATE ON THE SITE OF THE HEALTH CARE PROVIDER:

[(1)] (I) [Within the time frame specified in regulations adopted by the Department; or] AT 12 AND 24 MONTHS OF AGE; AND

[(2)] (II) In accordance with the guidelines of the Centers for Disease Control and Prevention for children over age 24 months who have not received a blood test for lead poisoning; AND

(2) INFORM THE PARENT OR LEGAL GUARDIAN OF EACH CHILD OF THE IMPORTANCE OF LEAD POISONING TESTING AND THE HARMFUL EFFECTS OF LEAD POISONING.

(e) The Secretary may include information on blood testing for lead poisoning collected under this section, § 7-403 of the Education Article, and §§ 6-303 and 6-304 of the Environment Article on any immunization registry developed by the Department.

(f) (1) Subject to paragraph (2) of this subsection, this section does not require blood testing of a child whose parent or guardian, in accordance with regulations adopted by the Secretary, objects to the testing on the ground that it conflicts with the parent's or guardian's bona fide religious beliefs and practices.

(2) Paragraph (1) of this subsection does not apply if the responses of the child's parent or guardian on a questionnaire furnished by the Secretary and administered by a pediatrician indicate that the child is at high risk for lead poisoning.

(G) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE SECRETARY MAY IMPOSE ON A HEALTH CARE PROVIDER THAT VIOLATES SUBSECTION (D)(1) OF THIS SECTION A CIVIL PENALTY NOT EXCEEDING \$100 FOR EACH VIOLATION.

18-106.1.

(A) IN THIS SECTION, "FUND" MEANS THE LEAD POISONING PREVENTION FUND.

(B) THERE IS A LEAD POISONING PREVENTION FUND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE FINANCIAL SUPPORT TO HEALTH CARE PROVIDERS TO INCREASE THE NUMBER OF CHILDREN BEING TESTED FOR LEAD POISONING.

(D) THE SECRETARY SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(F) THE FUND CONSISTS OF:

(1) REVENUE PAID INTO THE FUND UNDER SUBSECTION (G) OF THIS SECTION;

(2) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;
AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) (1) ON OR BEFORE MARCH 1 EACH YEAR, EACH MANUFACTURER AND EACH WHOLESALER THAT SELLS PAINT IN THE STATE SHALL PAY INTO THE FUND 25 CENTS FOR EACH GALLON OF PAINT ESTIMATED TO HAVE BEEN SOLD IN THE STATE BY THE MANUFACTURER OR WHOLESALER DURING THE IMMEDIATELY PRECEDING YEAR.

(2) EACH HEALTH CARE PROVIDER THAT ADMINISTERS A BLOOD TEST FOR LEAD POISONING OF A CHILD ON THE SITE OF THE HEALTH CARE PROVIDER AND THAT SUBMITS A CLAIM FOR REIMBURSEMENT FOR THE TEST TO A PRIVATE THIRD-PARTY PAYOR SHALL SUBMIT THE REIMBURSEMENT TO THE FUND.

(H) THE FUND MAY BE USED ONLY TO:

(1) PROVIDE FINANCIAL SUPPORT TO HEALTH CARE PROVIDERS TO TEST FOR LEAD POISONING; AND

(2) PURCHASE LEAD POISONING TESTING EQUIPMENT FOR USE BY A HEALTH CARE PROVIDER ON SITE.

(I) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(J) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(K) MONEY EXPENDED FROM THE FUND FOR THE LEAD POISONING TESTING PROGRAM IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THE LEAD POISONING TESTING PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.