

Chapter 282

**(House Bill 1189)**

AN ACT concerning

**Home Energy Assistance – Critical Medical Needs Program**

FOR the purpose of establishing the Critical Medical Needs Program in the Office of Home Energy Programs of the Family Investment Administration within the Department of Human Services; requiring the Office to implement and administer the Program; requiring the Office to partner with certain agencies and organizations in administering the Program; stating the purpose of the Program; specifying the function of the Program; specifying the duties of the Office in administering the Program; requiring the Department to adopt certain regulations; defining certain terms; and generally relating to the Critical Medical Needs Program.

BY renumbering

Article – Human Services  
Section 5–5A–08  
to be Section 5–5A–09  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,

Article – Human Services  
Section 5–5A–01(a), (d), and (e), 5–5A–02, 5–5A–06, and 5–5A–07  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

BY adding to

Article – Human Services  
Section 5–5A–08  
Annotated Code of Maryland  
(2007 Volume and 2018 Supplement)

Preamble

WHEREAS, The State has long recognized the vital importance of electricity and heating for all households in Maryland; and

WHEREAS, The State has recognized that limited income households have additional challenges in paying their energy bills in full and in a timely manner; and

WHEREAS, The Public Service Commission is required to adopt regulations related to the termination of service to low-income customers, and provide annual reports to the

General Assembly regarding the best way to address the problem of assuring adequate gas and electric service for low-income residential customers; and

WHEREAS, The State has established an Electric Universal Service Program to provide assistance with electricity bills to low-income households, as a supplement to the federally funded Low-Income Heating and Energy Assistance Program, and required the Public Service Commission to provide annual reports to the General Assembly on the projected needs of low-income households for bill and arrearage assistance; and

WHEREAS, The State has provided assistance to low-income households to reduce energy usage, and therefore energy bills, through its administration of the federally funded Weatherization Assistance Program and the EmPOWER Maryland Program; and

WHEREAS, Government agencies and nonprofit organizations have found that additional challenges with energy bills exist for individuals with critical medical needs and limited or reduced household income; and

WHEREAS, The loss of electricity or heat can aggravate an existing serious illness or prevent the use of life-support equipment for a household member, thereby posing an actual threat to a person's health and safety; and

WHEREAS, The typical processing times for energy assistance applications can result in loss of service or extend a period of service loss to the detriment of these individuals' health and well-being; and

WHEREAS, In response to concerns about the serious health impacts of service loss on medically vulnerable individuals, the Office of People's Counsel, the Cancer Support Foundation, certain gas and electric companies, the Office of Home Energy Programs of the Family Investment Administration within the Department of Human Services, the Department of Housing and Community Development, and certain nonprofit organizations established a Critical Medical Needs Pilot Program in 2015 through a cooperative partnership; and

WHEREAS, The partners developed this pilot program with the goal of expediting assistance to medically vulnerable individuals, continuing or restoring energy services to these households, and reducing barriers to the energy assistance application process by training navigators, who are representatives of medical facilities and assistance agencies and organizations, to assist in expediting the energy assistance application process; and

WHEREAS, 200 navigators have been trained since the pilot program's inception by the partners to provide assistance to medically vulnerable individuals and their households, and another 300 navigators from various agencies and medical facilities are waiting for training based on their expressed interest; and

WHEREAS, The pilot program has been successful in delivering expedited assistance to maintain or restore energy services to medically vulnerable individuals; and

WHEREAS, While the pilot program has been successful, it operates only in certain gas and electric service territories in the State, and the lack of status as a formal agency program acts as an impediment to statewide extension of the program, to training of additional navigators throughout the State, and to the assurance that the success in delivery of expedited assistance can be maintained; and

WHEREAS, A formal agency program to remove barriers to the energy assistance application process and to expedite access to assistance for medically vulnerable households would help to maintain or restore energy services and, thereby, avoid adverse health impacts for household members with critical medical needs; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 5–5A–08 of Article – Human Services of the Annotated Code of Maryland be renumbered to be Section(s) 5–5A–09.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

**Article – Human Services**

5–5A–01.

- (a) In this subtitle the following words have the meanings indicated.
- (d) “Office” means the Office of Home Energy Programs.
- (e) “Program” means the Energy Assistance Program.

5–5A–02.

There is an Office of Home Energy Programs in the Administration.

5–5A–06.

- (a) (1) The Office shall maintain liaison with:
  - (i) the United States Department of Health and Human Services;
  - (ii) local government units concerned with energy programs;
  - (iii) citizens’ groups;
  - (iv) utility vendors and major fuel vendors in the State; and
  - (v) any other state, federal, and local units.

(2) The Office shall:

(i) consult with and advise the local entities described in paragraph (1) of this subsection regarding their energy assistance programs;

(ii) work at all levels of government to carry out this subtitle; and

(iii) consult with all utility vendors and major fuel vendors in the State when developing and implementing the Program.

(b) The Office shall:

(1) collect and assemble information relating to energy assistance available from other units of the State and federal governments;

(2) disseminate information to further energy assistance;

(3) identify all utility vendors and major fuel vendors in the State and attempt to obtain their voluntary cooperation with the Program;

(4) establish and maintain a State information service that utilizes a toll-free telephone number to provide the public with information about the Program and the location of the nearest local energy assistance office; and

(5) establish a mechanism for monitoring the effectiveness of the Program to determine whether eligible households are aware of and have access to a local energy assistance office.

(c) (1) Consistent with this subtitle and other applicable laws, the Office may enter into contracts or assume any other function necessary to carry out this subtitle.

(2) The Office may enter into contracts for any study or research activity that is necessary and proper.

5-5A-07.

(a) (1) The Office shall:

(i) carry out an energy emergency crisis intervention program to prevent low-income households, including the near poor, the elderly, households with children, and those on fixed incomes from experiencing danger to health or survival as a result of an energy emergency;

(ii) establish intake procedures for those experiencing an energy emergency;

(iii) establish guidelines for the income and program eligibility of applicants; and

(iv) identify local public or private agencies to administer the crisis intervention program.

(2) (i) The Office shall make payments to fuel vendors and utility vendors that have provided service to persons qualifying for the crisis intervention program.

(ii) The amount of assistance shall be based on need.

(b) (1) The Office shall carry out one or more fuel and utility assistance programs to make payments on behalf of qualified households to defray fuel and utility costs.

(2) The Office shall determine program and income eligibility guidelines.

(3) The amount of assistance shall be based on need.

**5-5A-08.**

**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) "CMN PROGRAM" MEANS THE CRITICAL MEDICAL NEEDS PROGRAM ESTABLISHED UNDER THIS SECTION.**

**(3) "CRITICAL MEDICALLY VULNERABLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO:**

**(I) HAS A SEVERE HEALTH CONDITION THAT WILL BE AGGRAVATED DUE TO THE TERMINATION OR NONCONTINUATION OF ELECTRIC OR GAS SERVICE OR NEEDS THE USE OF LIFE-SUPPORT EQUIPMENT AS DOCUMENTED AND CERTIFIED IN ACCORDANCE WITH REGULATIONS ON A CERTIFICATION OF SERIOUS ILLNESS OR LIFE SUPPORT FORM SUBMITTED TO THE APPROPRIATE ELECTRIC OR GAS COMPANY;**

**(II) HAS OR WILL HAVE THEIR ELECTRIC OR GAS SERVICE TERMINATED FOR NONPAYMENT; AND**

**(III) IS UNABLE TO COMPLETE THE ENERGY ASSISTANCE APPLICATIONS UNDER AVAILABLE ENERGY ASSISTANCE PROGRAMS, INCLUDING**

**ENERGY EFFICIENCY PROGRAMS OFFERED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.**

**(4) “NAVIGATOR” MEANS A REPRESENTATIVE FROM A MEDICAL FACILITY OR FROM A PUBLIC OR PRIVATE ASSISTANCE AGENCY OR ORGANIZATION WHO:**

**(I) IS IN PERSONAL CONTACT WITH A CRITICAL MEDICALLY VULNERABLE INDIVIDUAL; AND**

**(II) ASSISTS THE CRITICAL MEDICALLY VULNERABLE INDIVIDUAL IN THE ENERGY ASSISTANCE APPLICATION PROCESS.**

**(B) (1) THERE IS A CMN PROGRAM IN THE OFFICE.**

**(2) THE OFFICE SHALL IMPLEMENT AND ADMINISTER THE CMN PROGRAM.**

**(3) IN ADMINISTERING THE CMN PROGRAM, THE OFFICE SHALL PARTNER WITH THE OFFICE OF PEOPLE’S COUNSEL, THE FUEL FUND OF CENTRAL MARYLAND, THE CANCER SUPPORT FOUNDATION, ELECTRIC AND GAS COMPANIES, NONPROFIT ORGANIZATIONS, OTHER STATE AGENCIES, THE HEALTH CARE COMMUNITY, AND ANY OTHER ORGANIZATION THAT THE OFFICE DETERMINES APPROPRIATE.**

**(4) THE PURPOSE OF THE CMN PROGRAM IS TO REDUCE THE BARRIERS TO THE ENERGY ASSISTANCE APPLICATION PROCESS FOR CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC, GAS, OR OTHER ENERGY SOURCE BILLS SO THAT THEIR ELECTRIC, GAS, OR OTHER ENERGY SOURCE SERVICE CONTINUES OR IS RESTORED.**

**(C) (1) THE CMN PROGRAM SHALL FACILITATE ASSISTANCE TO CRITICAL MEDICALLY VULNERABLE INDIVIDUALS AND THEIR HOUSEHOLDS IN OBTAINING STATE AND FEDERAL FINANCIAL ASSISTANCE FOR THEIR ELECTRIC, GAS, OR OTHER SOURCE ENERGY BILLS THROUGH NAVIGATORS.**

**(2) THE OFFICE SHALL DETERMINE QUALIFICATIONS AND ESTABLISH TRAINING REQUIREMENTS FOR NAVIGATORS.**

**(3) THE OFFICE SHALL TRAIN NAVIGATORS OR FACILITATE THE TRAINING OF NAVIGATORS BY OTHERS.**

**(D) ~~THE~~ IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN THE CODE OF MARYLAND REGULATIONS, THE OFFICE SHALL WORK WITH ELECTRIC AND GAS COMPANIES TO IMPLEMENT, FOR CRITICAL MEDICALLY VULNERABLE INDIVIDUALS:**

**(1) A MEDICAL HOLD ON ELECTRIC OR GAS SERVICE OR AN EXPEDITED PROCESS TO GRANT THE EXTENSION OF ELECTRIC OR GAS SERVICE FOR THOSE WHO WILL HAVE THEIR ELECTRIC OR GAS SERVICES TERMINATED; AND**

**(2) AN EXPEDITED PROCESS FOR THE RESTORATION OF ELECTRIC OR GAS SERVICE FOR THOSE WHO HAVE HAD THEIR ELECTRIC OR GAS SERVICE TERMINATED.**

**(E) THE OFFICE SHALL ESTABLISH A TRACKING SYSTEM OF THE STATUS OF CRITICAL MEDICALLY VULNERABLE INDIVIDUALS WHO PARTICIPATE IN THE CMN PROGRAM.**

**(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

**Approved by the Governor, April 30, 2019.**