

SENATE BILL 425

C5, O1, M5

9lr0685
CF HB 1189

By: **Senators Benson, Feldman, Guzzone, Klausmeier, Kramer, Lee, Nathan-Pulliam, Rosapepe, Simonaire, Washington, and Young**

Introduced and read first time: February 1, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2019

CHAPTER _____

1 AN ACT concerning

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

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

11 BY renumbering

12 Article – Human Services

13 Section 5–5A–08

14 to be Section 5–5A–09

15 Annotated Code of Maryland

16 (2007 Volume and 2018 Supplement)

17 BY repealing and reenacting, without amendments,

18 Article – Human Services

19 Section 5–5A–01(a), (d), and (e), 5–5A–02, 5–5A–06, and 5–5A–07

20 Annotated Code of Maryland

21 (2007 Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
2 Article – Human Services
3 Section 5–5A–08
4 Annotated Code of Maryland
5 (2007 Volume and 2018 Supplement)

6 Preamble

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

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

11 WHEREAS, The Public Service Commission is required to adopt regulations related
12 to the termination of service to low–income customers, and provide annual reports to the
13 General Assembly regarding the best way to address the problem of assuring adequate gas
14 and electric service for low–income residential customers; and

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

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

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

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

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

32 WHEREAS, In response to concerns about the serious health impacts of service loss
33 on medically vulnerable individuals, the Office of People’s Counsel, the Cancer Support
34 Foundation, certain gas and electric companies, the Office of Home Energy Programs of the
35 Family Investment Administration within the Department of Human Services, the
36 Department of Housing and Community Development, and certain nonprofit organizations

1 established a Critical Medical Needs Pilot Program in 2015 through a cooperative
2 partnership; and

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

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

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

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

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

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

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

28 **Article – Human Services**

29 5-5A-01.

30 (a) In this subtitle the following words have the meanings indicated.

31 (d) “Office” means the Office of Home Energy Programs.

32 (e) “Program” means the Energy Assistance Program.

33 5-5A-02.

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

2 5-5A-06.

3 (a) (1) The Office shall maintain liaison with:

4 (i) the United States Department of Health and Human Services;

5 (ii) local government units concerned with energy programs;

6 (iii) citizens' groups;

7 (iv) utility vendors and major fuel vendors in the State; and

8 (v) any other state, federal, and local units.

9 (2) The Office shall:

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

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

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

15 (b) The Office shall:

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

18 (2) disseminate information to further energy assistance;

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

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

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

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

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

3 5-5A-07.

4 (a) (1) The Office shall:

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

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

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

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

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

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

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

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

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

24 **5-5A-08.**

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

27 **(2) “CMN PROGRAM” MEANS THE CRITICAL MEDICAL NEEDS**
28 **PROGRAM ESTABLISHED UNDER THIS SECTION.**

29 **(3) “CRITICAL MEDICALLY VULNERABLE INDIVIDUAL” MEANS AN**
30 **INDIVIDUAL WHO:**

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

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

9 **(III) IS UNABLE TO COMPLETE THE ENERGY ASSISTANCE**
10 **APPLICATIONS UNDER AVAILABLE ENERGY ASSISTANCE PROGRAMS, INCLUDING**
11 **ENERGY EFFICIENCY PROGRAMS OFFERED BY THE DEPARTMENT OF HOUSING AND**
12 **COMMUNITY DEVELOPMENT.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.