

SENATE BILL 385

P1, P3

3lr1555
CF HB 327

By: **Senators Pugh, Astle, Ferguson, Forehand, Kasemeyer, Kelley, Kittleman, Klausmeier, Manno, Middleton, Peters, and Ramirez**

Introduced and read first time: January 25, 2013

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2013

CHAPTER _____

1 AN ACT concerning

2 **State Government – Health, Education, and Social Services ~~Provider Data~~**
3 **~~Warehouse~~ – Submission of Documents in Electronic Form**

4 FOR the purpose of ~~requiring the State to authorize private sector development of a~~
5 ~~certain data warehouse for certain providers; authorizing a certain provider to~~
6 ~~store certain information in the data warehouse; prohibiting a certain provider~~
7 ~~from using the data warehouse for certain purposes; authorizing a certain~~
8 ~~provider to provide a State agency with certain information in a certain~~
9 ~~manner; requiring a State agency to accept a certain submission as the~~
10 ~~equivalent of certain documents; prohibiting a State agency from requiring a~~
11 ~~certain provider to use the data warehouse; requiring a provider that uses the~~
12 ~~data warehouse to ensure that the data is current and accessible to a certain~~
13 ~~State agency; authorizing a State agency to request additional or updated~~
14 ~~information from a certain provider under certain circumstances; requiring a~~
15 ~~provider to submit certain information to a certain State agency within a~~
16 ~~certain period of time after receiving a request from the agency; requiring~~
17 ~~access to the data warehouse to be provided to a State agency free of charge;~~
18 ~~defining certain terms; and generally relating to a health, education, and social~~
19 ~~services provider data warehouse~~ requiring the Council for the Procurement of
20 Health, Education, and Social Services to establish a workgroup to determine a
21 process for certain entities to submit certain electronic documents to certain
22 agencies; requiring the Council to report to certain committees of the General
23 Assembly on or before a certain date; providing for the application of this Act;

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 and generally relating to health, education, and social services and the
 2 electronic submission of documents.

3 ~~BY adding to~~

4 ~~Article State Government~~

5 ~~Section 10-645 to be under the new part "Part VI. Health, Education, and~~
 6 ~~Social Services Provider Data Warehouse"~~

7 ~~Annotated Code of Maryland~~

8 ~~(2009 Replacement Volume and 2012 Supplement)~~

9 Preamble

10 WHEREAS, The Task Force to Study the Procurement of Health, Education,
 11 and Social Services by State Agencies recommended the development of an
 12 Internet-based data warehouse (document vault) eliminating duplicative and
 13 voluminous submissions to multiple agencies; and

14 WHEREAS, The State remains committed to identifying all means of
 15 environmentally sound communication methods; and

16 WHEREAS, Providers of health, education, and social services are committed to
 17 efficient and cost effective transmission and preservation of data; and

18 WHEREAS, Private providers of health, education, and social services are
 19 required to submit to State licensing agencies volumes of corporate, fiscal, and
 20 administrative documents on a recurring basis and are required to keep voluminous
 21 certification files on foster parents; and

22 WHEREAS, All State agencies, facilities, and programs are taking steps to
 23 support Governor O'Malley's Smart, Green, and Growing initiative, which includes
 24 encouraging State employees to view documents electronically instead of on paper
 25 whenever possible; now, therefore,

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

28 ~~Article State Government~~

29 ~~10-643. RESERVED.~~

30 ~~10-644. RESERVED.~~

31 ~~PART VI. HEALTH, EDUCATION, AND SOCIAL SERVICES PROVIDER DATA~~
 32 ~~WAREHOUSE.~~

33 ~~10-645.~~

1 ~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
2 ~~MEANINGS INDICATED:~~

3 ~~(2) "DATA WAREHOUSE" MEANS AN INTERNET-BASED, SECURE,~~
4 ~~AND CONSOLIDATED DOCUMENT STORAGE AND RETRIEVAL SYSTEM FOR~~
5 ~~CORPORATE, FISCAL, AND ADMINISTRATIVE DATA NECESSARY FOR THE~~
6 ~~LICENSING AND PROCUREMENT OF HEALTH, EDUCATION, AND SOCIAL SERVICES~~
7 ~~AND MADE AVAILABLE TO STATE AGENCY PERSONNEL FOR THOSE PURPOSES.~~

8 ~~(3) "PROVIDER" MEANS A HEALTH, EDUCATION, OR SOCIAL~~
9 ~~SERVICES PROVIDER.~~

10 ~~(B) THE STATE SHALL AUTHORIZE PRIVATE SECTOR DEVELOPMENT~~
11 ~~AND IMPLEMENTATION OF A DATA WAREHOUSE FOR MAINTAINING CORPORATE,~~
12 ~~FISCAL, AND ADMINISTRATIVE RECORDS OF PRIVATE PROVIDERS.~~

13 ~~(C) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (D) OF THIS~~
14 ~~SECTION, A PRIVATE PROVIDER MAY USE THE DATA WAREHOUSE TO STORE~~
15 ~~DOCUMENTS REQUIRED:~~

16 ~~(1) FOR THE INITIAL LICENSURE AND RE-LICENSURE OF PRIVATE~~
17 ~~HEALTH, EDUCATION, AND SOCIAL SERVICES;~~

18 ~~(2) FOR THE PERIODIC LICENSING AND CONTRACT COMPLIANCE~~
19 ~~MONITORING OF PROGRAMS SPECIFIED IN ITEM (1) OF THIS SUBSECTION;~~

20 ~~(3) FOR THE CERTIFICATION AND RE-CERTIFICATION OF~~
21 ~~PRIVATE TREATMENT FOSTER PARENTS IN ACCORDANCE WITH COMAR~~
22 ~~07.05.02; AND~~

23 ~~(4) BY A STATE AGENCY FOR THE PROCUREMENT OF PRIVATE~~
24 ~~HEALTH, EDUCATION, AND SOCIAL SERVICES.~~

25 ~~(D) A PRIVATE PROVIDER MAY NOT USE THE DATA WAREHOUSE FOR~~
26 ~~THE STORAGE OR TRANSMISSION OF CLIENT FILES OR RECORDS.~~

27 ~~(E) IF A PRIVATE PROVIDER USES THE DATA WAREHOUSE:~~

28 ~~(1) THE PRIVATE PROVIDER MAY PROVIDE A STATE AGENCY WITH~~
29 ~~THE NECESSARY INFORMATION TO ACCESS DOCUMENTS IN THE DATA~~
30 ~~WAREHOUSE INSTEAD OF SUBMITTING PAPER DOCUMENTS OR ELECTRONIC~~
31 ~~FILES; AND~~

1 ~~(2) THE STATE AGENCY SHALL ACCEPT THE SUBMISSION AS THE~~
2 ~~EQUIVALENT OF PAPER DOCUMENTS OR ELECTRONIC FILES.~~

3 ~~(F) A STATE AGENCY MAY NOT REQUIRE A PROVIDER TO USE THE DATA~~
4 ~~WAREHOUSE.~~

5 ~~(G) A PROVIDER THAT USES THE DATA WAREHOUSE SHALL ENSURE~~
6 ~~THAT THE DATA STORED BY THE PROVIDER IS CURRENT AND ACCESSIBLE TO~~
7 ~~THE APPROPRIATE STATE AGENCY.~~

8 ~~(H) (1) IF THE INFORMATION PROVIDED TO THE APPROPRIATE~~
9 ~~STATE AGENCY IS NOT CURRENT OR IS UNAVAILABLE FROM THE DATA~~
10 ~~WAREHOUSE, THE STATE AGENCY MAY REQUEST ADDITIONAL OR UPDATED~~
11 ~~INFORMATION FROM THE PROVIDER.~~

12 ~~(2) A PROVIDER SHALL SUBMIT ANY ADDITIONAL OR UPDATED~~
13 ~~INFORMATION TO THE DATA WAREHOUSE WITHIN 10 BUSINESS DAYS AFTER~~
14 ~~RECEIVING A REQUEST FROM A STATE AGENCY.~~

15 ~~(I) ACCESS TO THE DATA WAREHOUSE SHALL BE PROVIDED TO STATE~~
16 ~~AGENCIES WITHOUT CHARGE.~~

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Council for the Procurement of Health, Education, and Social
19 Services shall:

20 (a) establish a workgroup of Council members and appropriate staff from the
21 State agencies that license health, education, or social services programs to determine
22 a process for nongovernmental entities that provide health, education, or social
23 services in the State to submit documents in an electronic form to the State agencies,
24 by direct transmission or by posting to an online system for document storage,
25 including:

26 (1) naming and formatting documents;

27 (2) submitting, updating, and retrieving documents;

28 (3) security measures;

29 (4) standards necessary for the efficient and secure submission of
30 electronic documents; and

31 (5) a recommended implementation date; and

32 (b) on or before October 1, 2013, report to the Senate Education, Health, and
33 Environmental Affairs Committee and the House Health and Government Operations

1 Committee, in accordance with § 2-1246 of the State Government Article, on the
2 process determined under subsection (a) of this section.

3 SECTION 2. AND BE IT FURTHER ENACTED, That nothing in this Act may
4 be construed to limit any existing authority of a State agency to accept documents or
5 information by electronic transmission.

6 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
7 effect ~~October~~ June 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.