

Patrick Roberson, Esq. – Chairman

Jeff Horowitz, Esq. – Vice Chairman

John Coyle, Jr., Esq.

Kathleen Fink, M.D.

Kevin P. Foy, Esq.

Stephan G. Fugate

Mark Hackman, Esq.

Melinda Hayes, M.S., C.R.C., CDMS

Jeffrey C. Herwig, Esq.

The Honorable W. Ray Huff

Monica Meyers Turnbo, Esq.

The Honorable Michael J. Wagner

***Workers' Compensation
Budget Advisory Committee***

10 East Baltimore Street, 7th Floor, Baltimore, MD 21202-1641 Phone (410) 864-5161

November 30, 2004

The Honorable Robert L. Ehrlich, Jr.
Governor, State of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

Re: Report of Budget Advisory Committee
for the Workers' Compensation Commission
for Fiscal Year 2006 budget

Dear Governor Ehrlich:

Pursuant to the requirements of Senate Bill 772 the Budget Advisory Committee, ("Committee") has completed its review of the proposed budget of the Workers' Compensation Commission for FY 2006. In its report to the Chairman of the Commission (copy attached), the Committee strongly recommended that the Commission submit a budget that did not reflect the target budget mandated by the Department of Budget and Management, said target being 90% of the Commission's FY 2005 budget appropriation. Instead the Committee recommended that the Commission FY 2006 budget be at the same level as the FY 2005 budget appropriation. The Committee is providing you with this letter in support and explanation of our recommendations.

The Committee recognizes that the Governor is required to balance the State's Budget. The Committee recognizes that in an attempt to attain such a goal, all state agencies have been required to reduce their costs and expenditures. For FY 2006 the Commission has been required to submit a budget that is 90% of its FY 2005 budget appropriation or a reduction of 1.2 million dollars from its 12 million dollar FY 2005 budget.

In order to accomplish the budget reduction, the Commission's proposed budget reflects cuts in personnel, services and resources. It is the position of the Committee that the budget mandated by the DBM will not have the intended result of adding to the General Fund revenue and moving towards a balanced state budget. The Committee feels that the only impact the enactment of the proposed budget would have is to make it extremely difficult, if not impossible, for the Commission to fulfill its mission. The mission of the Commission as stated on its web site is:

“The Maryland Workers’ Compensation Commission seeks to secure the equitable and timely administration of the provisions of the Maryland Workers’ Compensation law on behalf of its customers, the injured worker and their employer, by providing an effective and efficient forum for the resolution of individual claims.”

First and foremost is the fact that the Commission is a Special Fund Agency. The operating budget of the Commission, personnel costs, capital expenditures and all proposed costs are paid through an assessment of the insurer's and the self-insured employers who provide workers' compensation coverage in Maryland.

THE OPERATION OF THE COMMISSION IS NOT FUNDED FROM GENERAL FUND REVENUES. Consequently any reduction in the operating budget of the Commission will not result in any increase in the State's General Fund.

Beyond the fact that the proposed FY target budget will not have a positive impact on the State's FY 2006 budget is the fact that the enactment of the proposed budget will have a negative impact on the delivery of services by the Commission including services directly related to pass actions of the state legislature.

During the 2000 regular session of the Legislature Senate Bill 857 (attached) was passed. This bill mandated the creation of regional hearing sites. At present 4 regional hearing sites have been opened at locations which are leased and operated by the Commission. The prior budget of the Commission included funding for maintenance costs, phone services, and security at the regional sites. In order to accommodate the mandated budget reductions security personnel, phone service and some maintenance services have been reduced or eliminated completely from the FY 2006 budget.

During the 2002 regular session of the Legislature, Senate Bill 265 was passed (attached). That bill required that state agencies, including which the Commission, provide equal access to individuals with limited English proficiency. In order to comply with the statute the Commission was required to hire, either as FTE employees or contractual employees, certified interpreters and have said interpreters available for the individuals who needed them at hearings and at the Commission main location. The proposed FY 2006 budget requires a reduction in the

number of interpreters on staff with the Commission. The obvious result will be a downgrade in the level of services provided by the Commission, in clear violation of the Senate Bill 265.

Finally, and of equal significance to the members of the Committee is the fact that he proposed FY 2006 budget will result in the elimination of services and programs specifically recommended by the Committee in prior years and approved by the legislative budget review committee. An example is a program recommended by the Commission to ensure the security of injured workers' medical information retained in Commission files. The prevention of redisclosure of medical records is both a requirement of Federal and Maryland State Law. In its recommendations for the FY 2005 budget the Committee approved the cost of new personnel, equipment and training, specifically for that purpose. The recommendations were approved and the costs included as part of the FY 2005 budget appropriation. In order to comply with the target budget for FY 2006, the Commission is required to remove all costs associated with that particular initiative. Such a result is unacceptable to the Committee and to the constituencies its members represent.

The Workers' Compensation commission is a specially funded agency. Its operation costs the General Fund zero (0) dollars. No fees, charges or other costs are imposed on Marylanders by the State to support the Workers' Compensation Commission. The Workers' Compensation Commission is funded by an annual assessment on insurers and self-insured employers.

For the third consecutive budget cycle, representatives of insurers, self-insured employers, injured workers, labor, medical and vocational rehabilitation interests are a part of the

The Honorable Robert L. Ehrlich, Jr.
November 30, 2004
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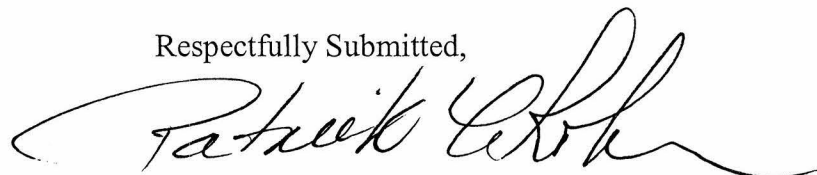
unanimous support for a fully funded, fully staffed Workers' Compensation. A more efficient Workers' Compensation Commission saves insurers money; which saves employers premium dollars; which makes the cost of doing business in Maryland less. Maryland becomes a little bit more competitive in attracting business.

The Committee recommends no new program or position this year. Our two prior reports are attached. Each sets out the needs, goals and requirements of the Workers' Compensation Commission. Our recommendations have been fully accepted in prior years.

We understand the State's budget situation and the obstacles you face. But reduction of the Workers' Compensation Commission budget saves Maryland and Marylanders no dollars.

The Committee strongly urges approval of a Commission budget for FY 2006 that is equal to the FY 2005 budget appropriation.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick A. Roberson". The signature is fluid and cursive, with a long horizontal flourish at the end.

Budget Advisory Committee
Patrick A. Roberson, Chair

PAR/rj

cc: All members
The Honorable Thomas P. O'Reilly
Department of Legislative Services

Patrick Roberson, Esq. – Chairman

Jeff Horowitz, Esq. – Vice Chairman

John Coyle, Jr., Esq.

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*Workers' Compensation
Budget Advisory Committee*

10 East Baltimore Street, 7th Floor, Baltimore, MD 21202-1641 Phone (410) 864-5161

November 8, 2004

The Honorable Thomas P. O'Reilly
Chairman
Workers' Compensation Commission
10 East Baltimore Street
Baltimore, Maryland 21202-1641

Re: Budget Advisory Committee
Review of Proposed WCC Budget FY 2006

Dear Chairman O'Reilly:

The Budget Advisory Committee has completed its review of the proposed budget of the Commission for FY 2006. Prior to its review the Committee was made aware of the mandate issued by the Department of Budget and Management which instructed the Commission to present a target budget for FY 2006 which was 90% of its FY 2005 budget appropriation. To meet the stated target, the proposed FY 2006 budget is 1.2 million dollars less than the FY 2005 budget. The Committee was informed that to accomplish the budget reduction for the Commission FY 2006 budget certain cuts in personnel, services and resources would be necessary.

To properly determine what effect such reductions would have on the operation of the Commission, its delivery of services and its mission, the Committee met with key members of the Commission staff and requested and reviewed additional documents and exhibits. The documents and exhibits reviewed by the Committee included an impact statement regarding proposed reductions in personnel, services and resources and a line-item listing of the actual deductions and associated savings as prepared by the Commission's Budget Specialist.

The Committee notes that the bulk of the proposed reduction is to be accomplished by the elimination of funding for current vacant positions, both contractual and non-contractual. The balance of the reduction is made up by the elimination or reduction of a wide range of services and activities including training, staff development, legal resources and research, interpreter services, printing of the law book and a previously approved and funded project to ensure the confidentiality of medical records held in Commission files.

It is the opinion of the Committee that the proposed FY 2006 budget is not adequate for the Commission to properly perform its stated purpose of administering the Workers' Compensation Law of the State of Maryland for the benefit of the State of Maryland and its citizens.

The Committee also submits that the adoption of the proposed FY 2006 budget, based upon 90% of the FY 2005 appropriation, will not result in the improvement of the State's projected fiscal imbalance. The reason for this is well known and well understood by the Commission and the Committee. As a Special Fund Agency the level of expenditure of the Commission has no relationship to the General Fund spending limits, priorities or policies. Furthermore, the source of the Commission's funding is through an assessment upon insurers and self-insurers. Those entities, through their representatives on the Committee, supported the budget increase for FY 2005 and do not oppose continuing that same level of funding for FY 2006. Accordingly, a reduction in funding for the Commission will not result in any increase in the General Fund and thus will not have any impact on the State's Budget.

The Budget Advisory Committee operates independently to review and provide recommendations to the Commission on its proposed budget. The Committee considers, but is not required to comply with the directives of the DBM. The Committee considers the interest of its members representative groups and overall the interest of the Commission service base, the injured workers of the state of Maryland. The Committee suggests that its approval of the proposed FY 2006 budget which is 90% of the FY 2005 appropriation is inconsistent with the purpose behind the creation of the Budget Advisory Committee. The Commission strongly feels that such a budget, with its required associated reductions in personnel, services and support resources would result in the failure of the Commission to properly function and serve the injured worker.

The Committee was advised that the enactment of the proposed FY 2006 budget will result in the reduction or elimination of essential services, activities and support sources including services and positions previously recommended by this Committee and required to comply with prior legislative action. Positions and services including the increase in security personnel at the hearing sites and the creation of positions to address the Commission's handling of medical records were included in the FY 2005 budget and made part of the FY 2005 appropriation. Those positions and services are slated to be eliminated as part of the deduction to meet the FY 2006 target budget. Other positions and services such as interpreters and the maintenance and operation of the hearing sites are required to comply with legislative mandates enacted in prior years. To meet the target budget, these positions and services have been significantly reduced or eliminated from the proposed FY 2006 budget.

The Honorable Thomas P. O'Reilly
November 8, 2004
Page 3 of 3

The Committee is now in its third budget review cycle. The Commission in prior years has adopted many of the recommendations of the Committee and the legislature has approved the Commission's budgets which incorporated those recommendations. Approval of the proposed FY 2006 budget will result in the lost of many positions, services and activities which the Committee previously recommended. Such a result serves to nullify the Committee and make meaningless its work in the prior budget reviews.

Therefore, as the proposed budget of the Commission results in no benefits to the state of Maryland, the Commission or the citizens of the state of Maryland it is the recommendation of the Committee that the Commission FY 2006 budget should be at the same level of the FY 2005 appropriation.

Very truly yours,



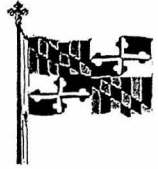
Patrick A. Roberson
Chair

PAR/rj
cc: all members

Jeff Horowitz, Esq. – Chairman

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Diana Saquella
Monica Meyers Turnbo, Esq.



*Workers' Compensation
Budget Advisory Committee*

10 East Baltimore Street, 7th Floor, Baltimore, MD 21202-1641 Phone (410) 864-5161

December 2, 2002

The Honorable Parris N. Glendening
Governor, State of Maryland
State House
100 State Circle
Annapolis, Maryland 21401

Dear Governor Glendening:

On behalf of the members of the Workers' Compensation Budget Advisory Committee, I wish to thank you for providing us with the opportunity to perform this very important service to the citizens of the State of Maryland.

Pursuant to the requirements of Senate Bill 772, I am attaching the recommendations of the Workers' Compensation Budget Advisory Committee. At the same time, I am forwarding the report to Chairman O'Reilly for his review.

While I realize that our report is only advisory, the committee strongly urges you to accept our recommendations.

The Committee will continue to evaluate the operations and needs of the Workers' Compensation Commission. Our next meeting is scheduled for January 22, 2003.

Very truly yours,

Jeff Horowitz

Jeff Horowitz, Chairman

Attachment

cc: The Honorable Thomas P. O'Reilly



RECOMMENDATIONS
OF THE
WORKERS'
COMPENSATION
BUDGET ADVISORY
COMMITTEE

FISCAL YEAR 2004

JEFF HOROWITZ, ESQ. – CHAIRMAN

PATRICK ROBERSON, ESQ. – VICE CHAIRMAN

W. MINOR CARTER, ESQ
JOHN COYLE JR., ESQ
YVONNE DASHIELL
KATHLEEN FINK, MD
MARK HACKMAN, ESQ
MELINDA HAYES, MS, CRC, CDMS
CARVEL MAYS, JR
PAUL ROSE, CPA
DIANA SAQUELLA
MONICA MEYERS TURNBO, ESQ

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Workers' Compensation Budget Advisory Committee

10 East Baltimore Street, 7th Floor, Baltimore, MD 21202-1641 Phone (410) 864-5161

As a result of the passage of Senate Bill 772 during the 2002 General Assembly session, a twelve-member Advisory Committee was created to review the annual budget of the Workers' Compensation Commission and make recommendations to the Workers' Compensation Commission and the Governor with respect to said budget.

As required by law, all geographic regions of the state and all disciplines in the Workers' Compensation community are represented on the Committee. The representatives are from business, labor, the insurance industry, the vocational rehabilitation industry, the medical profession, claimants' bar and defense bar. Given the diversity of the Committee, it is noteworthy that the members unanimously agree to the content of this report.

The Workers' Compensation Commission is a Special Fund agency pursuant to Senate Bill 772. The Commission identifies its needs and proposes a budget to the Budget Advisory Committee that is then submitted to the Governor and the General Assembly. The operating budget, personnel costs, capital expenditures, and all proposed costs and increases are paid through an assessment of the insurers and self-insurers who provide workers' compensation coverage in Maryland. Consequently, the operation of the Workers' Compensation Commission is not funded from General Fund revenues. Therefore, the level of expenditures of the Workers' Compensation Commission has no relation to General Fund spending limits, policies or priorities.

The Advisory Committee strongly supports the Commission's proposed budgeted operating plan of FY 2004. In making its' recommendations, the Committee considered the applicability of the current hiring freeze to General Fund agencies. However, the hiring freeze is not applicable to the Workers' Compensation Commission, as the Commission is a Special Fund agency.

The Workers' Compensation Budget Advisory Committee recommends that the Commission's proposed budget of \$12,928,154 be fully implemented. The Committee further recommends the addition of three positions at a cost of \$117,532 for a total budget of \$13,045,686. The Committee is of the opinion that the three additional positions are essential to the proper and efficient operation of the Commission.

Highlights of the Proposed FY 2004 Budget

As indicated in Exhibit A, attached, the Commission's FY 2004 proposed budget of \$13,045,686 represents a relatively moderate increase of 3.6% over the existing FY 2003 budget. The FY 2004 spending plan continues the major Commission initiatives of recent years, especially in the

Workers' Compensation Budget Advisory Committee



area of information technology and electronic access for stakeholders. The investments in advanced computer and imaging technology will help the Commission better serve insurers and self-insurers, injured workers, attorneys, the medical and vocational communities, and all other constituencies.

Exhibit B depicts the major components of the Commission's FY 2004 spending plan. Nearly two-thirds of the budget is for salaries and fringe benefits as directed by Department of Budget and Management guidelines. Seven (7) total new positions for FY 2004 are included in the budget, as shown on Exhibit C, and are fully justified and commented upon later in this report. Per Exhibit B, the major cost increases for FY 2004 over FY 2003 are in the areas of Facilities Costs (Rent) - \$331,000; Computer Maintenance - \$137,000; Postage and Telephone - \$90,000; and Wages for Outside Programming Services and Special Payments - \$245,000. These increases have been almost entirely offset by reduced funding requests in the areas of Computer Upgrades - \$112,000; Facility Improvements - \$379,000; and Automobile Expenses - \$28,000. As shown on Exhibit B, the net increase for FY 2004 over FY 2003 is \$458,676 or 3.6%. This indicates that the Commission has clearly identified its priorities and has not needlessly requested funds in areas where reductions were warranted.

In summary, the Advisory Committee strongly and unanimously supports the Commission's FY 2004 proposed spending plan as necessary to provide the requisite level of services to the stakeholders and citizens served by the Commission.

Statement in Support of Four Programmer Positions

The "cost containment reductions" required of the Workers' Compensation Commission have greatly reduced its ability to be responsive and at the same time have saved no money for the State. The Workers' Compensation Commission is funded by the assessment of the insurers. Any unspent funds in the budget are credited to the insurers. Therefore, there is no benefit to insufficiently funding the Commission's needs and priorities. The staffing of the previously approved four (4) programmer positions in IT is critical to the efficient operation of the Workers' Compensation Commission.

The Commission is in the midst of a \$3.1 million investment in computer technology to streamline the processing of information. Staffing the four (4) programming positions will make more efficient the delivery of the services which the Commission provides to the public. At the same time it will allow the Commission to reduce the backlog of programming needs, including the continuation of the web initiative and maintaining the upgrading of the imaging system. The failure to staff the four (4) programmer positions impairs the ability of the Commission to fulfill its mission. Therefore, the four (4) frozen computer programmer positions must be filled.

Statement in Support of Additional Staffing for the Insurance Division

Administrator

It is the responsibility of the Workers' Compensation Commission to regulate self-insured employers in Maryland. This is carried out by the Insurance Division of the Workers'

Workers' Compensation Budget Advisory Committee



Compensation Commission. However, at the present time, the Insurance Division is inadequately staffed, thereby preventing it from accomplishing its job of monitoring self-insured employers.

If a self-insured employer is financially impaired and unable to pay the claims of any injured worker, then the benefits to which they are entitled are delayed. This results in financial hardship to the injured worker and the delay of necessary medical treatment. Such a situation directly inhibits the mission of the Workers' Compensation Commission to protect the injured worker. Furthermore, it may create a situation where the injured worker is temporarily dependent upon state benefits, in contravention of the purpose of the Workers' Compensation law.

Given the current economic and business climate, the Workers' Compensation Commission must not take the risk of missing a possible insolvency due to inadequate staffing. The Commission requires an Administrator to perform the day-to-day functions with respect to Commission actions and dealings with self-insured employers and third-party administrators.

IT Staffing

The Office of the Director of Insurance does not have the information needed to manage the programs effectively and to show the impact of the policies, practices and trends in self-insurance programs and service delivery. Two new IT positions are necessary in order to meet those pressing needs.

The Insurance Division's current programming needs are for purposes of the computerization of financial and claims evaluation functions as well as converting the many application processes to electronic communication and processing systems. This will result in reduced delays and will provide an early detection of problem companies and identification of major non-compliance areas.

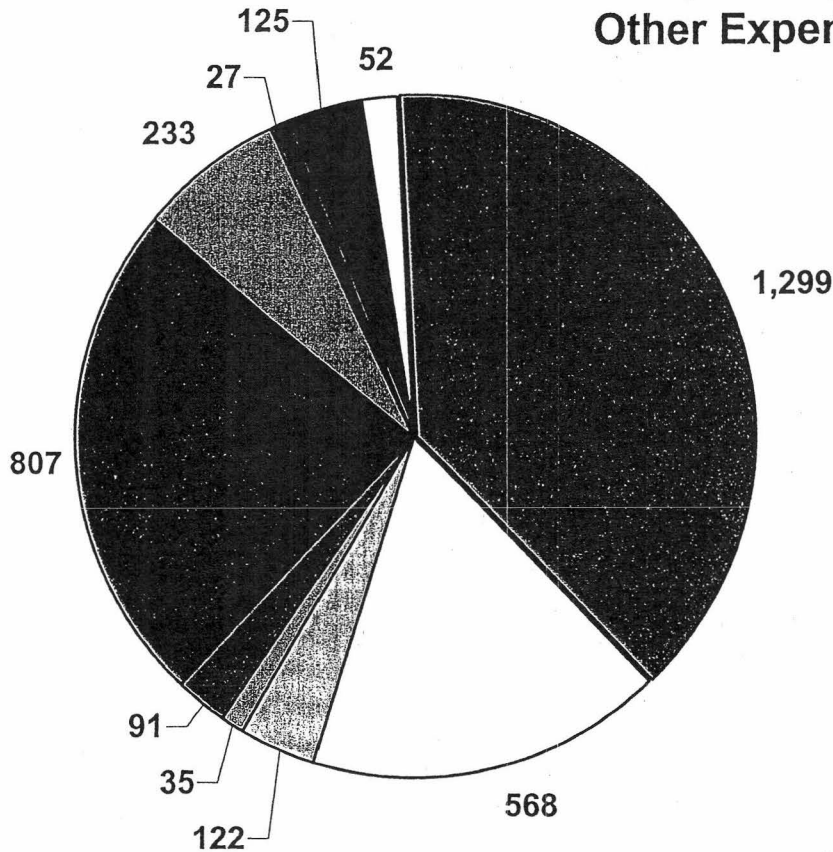
The investment in hardware has been made. The addition of two (2) computer programmers will take advantage of the millions of dollars committed to technology with substantial reward but at limited cost.

The risks of not taking the aforementioned actions include untimely monitoring of self-insured financial solvency that could result in delayed payment of benefits to injured workers in the State of Maryland.

WORKERS COMPENSATION COMMISSION FISCAL YEAR 2004 BUDGET ANALYSIS

	FY 2002	FY 2003	FY 2004	Dollar Variance 2004/2003	% Variance 2004/2003
Obj 01 - Salaries and Fringe Benefits	7,606,534	8,088,579	8,127,744	39,165	0.5%
Obj 02 - Other Labor Costs	670,429	1,313,509	1,558,951	245,442	18.7%
Obj 03 - Postage & Telephone	386,122	478,173	567,828	89,655	18.7%
Obj 04 - Conferences	157,913	122,000	122,052	52	0.0%
Obj 06 - Utilities	31,959	35,000	35,000	-	0.0%
Obj 07 - Automobile Expense	80,612	119,429	91,091	(28,338)	-23.7%
Obj 08 - Computer Maintenance	574,752	669,369	806,521	137,152	20.5%
Obj 09 - Supplies	156,474	162,398	233,063	70,665	43.5%
Obj 10 - Computer Upgrades	4,945	138,850	27,000	(111,850)	-80.6%
Obj 11 - Computer Purchases	52,123	59,920	124,559	64,639	107.9%
Obj 12 - State Allocation	52,387	52,387	52,387	-	0.0%
Obj 13 - Facility Costs	933,720	968,456	1,299,490	331,034	34.2%
Obj 14 - Facility Improvements	-	378,940	-	(378,940)	-100.0%
	10,707,970	12,587,010	13,045,686	458,676	3.6%

FY 2004 Operating Budget (in 1,000s) Other Expenses of \$3,359



\$1,299,000 (10.0%) - Facility Costs and Insurance
(Lease = \$1,275,000)

\$807,000 (6.2%) - Contractual Services: \$325,000 for hardware maintenance; \$233,00 for software and imaging systems; \$45,000 for other software maintenance

\$568,000 (4.4%) - Postage and Telephone for HQ and 5 regional offices

\$233,000 (1.8%) - Necessary operating, DP and office supplies including PC software

\$125,000 - Computer Equipment: \$60,000 for hot site and \$65,000 for new AS 400 server

\$122,000 - Staff Training and Conferences

\$91,000 - Garage Lease (\$85,000) and auto expense

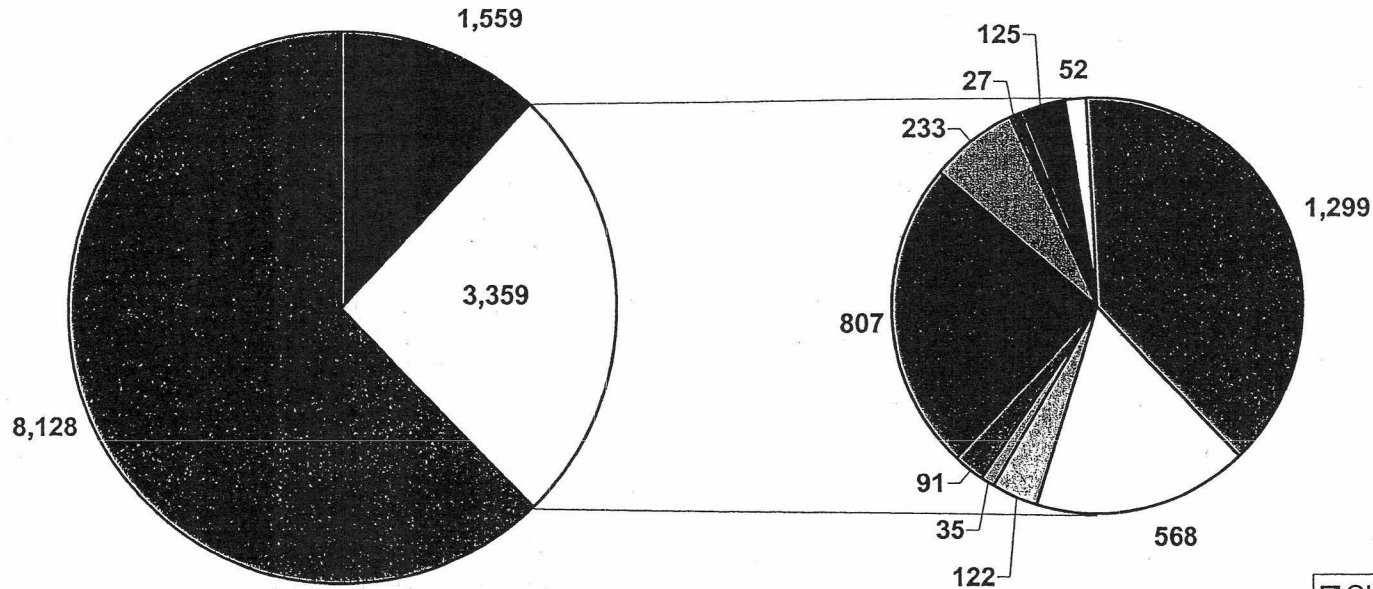
\$52,000 - State Central Services (Accounting, Central Payroll, etc)

\$35,000 - Utilities

\$27,000 - Computer Upgrades

- | | |
|---------------------------------|-------------------------------|
| □ Obj 03 - Postage & Telephone | □ Obj 04 - Conferences |
| □ Obj 06 - Utilities | ■ Obj 07 - Automobile Expense |
| ■ Obj 08 - Computer Maintenance | ▨ Obj 09 - Supplies |
| ■ Obj 10 - Computer Upgrades | ■ Obj 11 - Computer Purchases |
| □ Obj 12 - State Allocation | ■ Obj 13 - Facility Costs |

FY 2004 Operating Budget (in 1,000s)



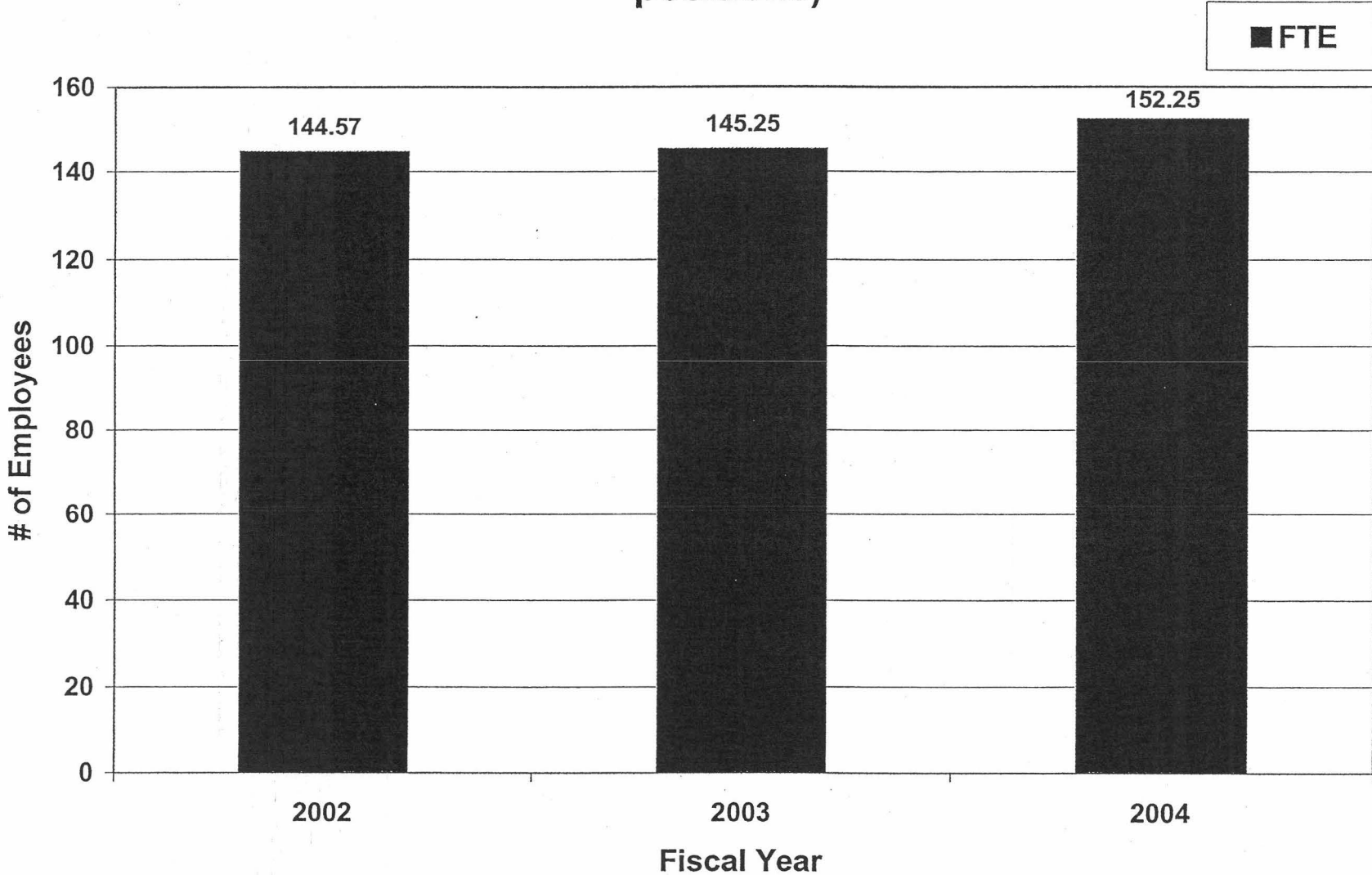
\$8,128,000 (62.3%) - Salaries and Fringe Benefits

\$1,559,000 (12.0%) - Other Labor Costs:

- \$870,000 (6.7%) - Internet Initiative and Electronic Information Exchange with Stakeholders**
- \$689,000 (5.3%) - FTEs to Assist with Workload Processing**

- Obj 01 - Salaries and Fringe Benefits
- Obj 02 - Other Labor Costs
- Obj 03 - Postage & Telephone
- ▣ Obj 04 - Conferences
- ▤ Obj 06 - Utilities
- Obj 07 - Automobile Expense
- Obj 08 - Computer Maintenance
- ▣ Obj 09 - Supplies
- Obj 10 - Computer Upgrades
- Obj 11 - Computer Purchases
- Obj 12 - State Allocation
- Obj 13 - Facility Costs

Budgeted Full Time Employees (includes contractual positions)



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Budget Advisory Committee*

10 East Baltimore Street, 7th Floor, Baltimore, MD 21202-1641 Phone (410) 864-5161

October 31, 2003

Hon. Thomas P. O'Reilly, Chairman
Workers' Compensation Commission
10 E. Baltimore Street
Baltimore, Maryland 21201

Re: Report of Budget Advisory Committee,
Fiscal Year 2005 propose budget

Dear Chairman O'Reilly:

The Budget Advisory Committee has completed its review and analysis of the draft proposed budget for fiscal year 2005. Pursuant to the requirements of Senate Bill 772, we the Committee are hereby providing you with our recommendations.

As you are aware, in preparation for our review of the FY 2005 budget the Committee met with the heads of each major department of the Commission. In addition, the Committee met on multiple occasions with you as Chairman, David Muir, Director of Fiscal Services, Tom Murphy, Director of the Insurance Division and Mary Ahearn, Executive Director of Administration.

Based on our meetings with those essential persons, the Committee was able to develop an understanding of the day to day operations of the Commission, the interactions of the various departments and the needs of the departments in regards to personnel and equipment. In addition, the Committee was made aware of the budgetary recommendations of the State Department of Budget Management as well as statutory mandates pertaining to the development and maintenance of Regional Hearing sites, interpreter services and the ongoing internet technology program.

Hon. Thomas P. O'Reilly, Chairman
October 31, 2003
Page 2 of 5

Additionally, the Committee took into account the current and future potential impact of the bankruptcy of a major self-insured corporation and the need for continued refinement of the Commission's required record storage and retrieval systems. Based upon all of the above the Committee makes the following recommendations:

The Committee generally approves the draft budget for FY 2005 with the following specific exceptions.

A. Regional Hearing sites: Security personnel.

Pursuant to a statutory requirement the Commission has established 5 regional hearing sites all of which are scheduled to be fully open and operating during FY 2005. The proposed budget does not provide for enough security personnel for all of the sites as well as the main location in downtown Baltimore. The proposed budget for fiscal year 2005 makes provision for 2.5 FTE security positions. The Committee recommends that provision be made in the budget for 3.5 FTE security positions to ensure proper security is available and maintained at all hearing sites when hearings are in progress. Based upon the best information received, it is projected that all 6 hearing sites could be operating concurrently during FY 2005.

The establishment of Regional Hearing Sites has been a significant project that has been budgeted by the Commission. These sites provide more local access to the public as cases are adjudicated. The costs of these sites and those scheduled for operation are covered by the current budget.

It is clear that the current 2.5 FTE contracted positions are insufficient to provide adequate security at the sites. Currently additional support is secured which is provided by the independent payment of State Police officers at a cost of \$37 to \$58 per hour. This rate is in contrast to the \$23.05 per hour paid currently to the contracted position officers. The fifth site in Beltsville will be operational in January of 2004 and additional security will be necessary.

The Committee respectfully requests that a security officer position be added to the current budget to adequately provide coverage to the six (6) hearing sites. The contracted position will effect a net reduction in cost in contrast to the utilization of State Police contractors, which are more costly per hour. An additional \$46,834 per year will provide sufficient security coverage at a lesser cost than that involved in the utilization of additional support through the State Police.

B. Reorganization of Insurance Division:

Based upon information received it is anticipated that the Commission's Insurance Division will go through a reorganization and reclassification of personnel. The current Director's position will change from contractual to FTE. A Deputy Director responsible for financial and fiscal analysis of self-insured employers will be added. The Insurance Division

Hon. Thomas P. O'Reilly, Chairman
October 31, 2003
Page 3 of 5

is scheduled to reclassify an existing Administrative Specialist position to that of a Claims Administrator. Finally, the Insurance Division is scheduled to add a new position of Auditor.

The Director of the Insurance Division (the current Director is contractual and will move to regular full time) is responsible for oversight of self-insurance by individual employers and governmental self-insurance groups under the Workers' Compensation Act, including approval of self-insurance plans, monitoring of the continuing financial responsibility of each employer who self-insures, and revocation or modification of approval of self-insurance plans. The Director has responsibilities for additional programs, including certificates of compliance with the Act and the Limited English Proficiency Program.

The Deputy Director has responsibility for self-insurance with a primary focus on monitoring the financial strength of self-insured employers and performing the necessary functions with respect to Commission actions including approval of applications and revocation of approval. The Deputy performs financial, claims data and related analyses, along with the day to day management of the workload and supervision of other self-insurance staff.

The Claims Administrator (reclassification of Administrative Specialist) will be responsible for assuring that self-insured employers are in compliance with laws and regulations and will review legal documents such as bonds, security agreements, and excess policies. The administrator is to perform compliance reviews on all applications and Annual Information Reports as well as claims research on requests for changes or releases of security and is to work with actuarial reports, loss runs and other data to support decisions on the amount of security to be posted by individual self-insurers.

The Auditor will perform on-site audits of the correctness and reasonableness of financial, payroll, claims and reserve data reported to the Commission.

The Administrative Assistant maintains call center and approves applications for the certificate of compliance program and related small business coverage elections. The assistant coordinates the data collection process for two electronic submission programs for all self-insurers and coordinates the workers' compensation policy and related filings approval process with the Attorney General's office and the insurers.

The Committee recommends that the base salary for the professional positions in the Insurance Division be set at an amount commensurate with the positions. The Committee further recommends that an FTE position of Auditor be allowed for in the budget.

C. Document Management, Equipment and Security Concerns.

The Committee was advised of the Commission's continuing concerns with the management of thousands of documents submitted to the Commission as a routine part of the Commission's operating process. In addition, the Commission as part of its web initiative is increasing its ability to have electronic document filing and service of documents. In recognition

Hon. Thomas P. O'Reilly, Chairman
October 31, 2003
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of the fact that the Commission needs to upgrade its current equipment as well as provide for more secure management of the access to the Commission records, the FY 2005 proposed budget

calls for the purchase of new equipment specifically, an AS400, refurbishing of old equipment and relocation and installation of the refurbished equipment at a remote location for emergency back up purposes.

Thousands of pages of medical records describing the health, physical and psychological conditions of injured Maryland workers are filed with the Commission every year. Current procedures provide protection to the privacy of those records. Past procedures did not always provide the same security.

The Commission has expressed concern about compliance with the new HIPAA requirements. Federal regulations impose restrictions on access to and the redisclosure of medical records. Although the new regulations may not require retroactive compliance, the Commission considers it imperative that medical records of injured workers be protected.

The proposed re-allocation of funds designated for acquisition of computer equipment could resolve the concerns in a timely fashion with minimal budget impact. The acquisition of 5 to 7 personal computers would allow the use of contract employees off site to properly code access to scanned medical records. The addition of 5 to 7 temporary contract employees positions would allow the Commission to properly code access to scanned medical documents. The positions should be designated as temporary and short term; each would automatically be eliminated upon completion of the off-site project. Estimated total cost would be \$240,000.

Some attorney members of the Committee are uncertain of the legal basis for the Commission's concerns about confidentiality of medical reports filed with the Commission in the past. If the Commission has the benefit of a legal opinion from an experienced attorney with a background in privacy and medical record retention, however, the Committee would support this approach. If not the Committee strongly recommends that an independent legal opinion be obtained. By so doing the Commission will be ensured that its planned actions are necessary and consistent with legal requirements.

The web initiative from the Information Technology division has progressed to accommodate storage of documents being scanned and indexed as well as information related to hearings. This information includes fiscal and personal information on claimants, attorneys, employers and employment. It is also now allowing people to file on line, significantly reducing the time needed for processing of claims. The amount of information being transmitted over the web has increased and has exceeded the capacity of the AS400 currently in use at the Commission. It was initially thought that this unit would be able to be used as a backup unit at the recovery site in Abington; however, it appears that the new units are incompatible with the one owned by the Commission. It is therefore recommended that the Commission obtain a new more robust AS400 for the Baltimore site and a refurbished unit that is compatible for the recovery site in Abington.

Hon. Thomas P. O'Reilly, Chairman
October 31, 2003
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In an effort to be fiscally responsible, money can be used more efficiently if the Commission proceeds with a lease to purchase option spread out over three years on the AS400 units. The additional funds may then be available to support privacy issues regarding these documents as mentioned above.

The Committee wishes to express its gratitude to the Chairman and the Commission staff for its full cooperation in the Budget Review process. The Committee respectfully request that the Commission incorporates the Committee's recommendations in the development of its final budget for submission to the Governor.

Respectfully Submitted,

Budget Advisory Committee
Patrick A. Roberson, Chair

PAR/rj

Patrick Roberson, Esq. – Chairman

Jeff Horowitz, Esq. – Vice Chairman

John Coyle, Jr., Esq.

Kathleen Fink, M.D.

Kevin P. Foy, Esq.

Stephan G. Fugate

Mark Hackman, Esq.

Melinda Hayes, M.S., C.R.C., CDMS

Jeffrey C. Herwig, Esq.

The Honorable W. Ray Huff

Monica Meyers Turnbo, Esq.

The Honorable Michael J. Wagner

*Workers' Compensation
Budget Advisory Committee*

10 East Baltimore Street, 7th Floor, Baltimore, MD 21202-1641 Phone (410) 864-5161

November 8, 2004

The Honorable Thomas P. O'Reilly
Chairman
Workers' Compensation Commission
10 East Baltimore Street
Baltimore, Maryland 21202-1641

Re: Budget Advisory Committee
Review of Proposed WCC Budget FY 2006

Dear Chairman O'Reilly:

The Budget Advisory Committee has completed its review of the proposed budget of the Commission for FY 2006. Prior to its review the Committee was made aware of the mandate issued by the Department of Budget and Management which instructed the Commission to present a target budget for FY 2006 which was 90% of its FY 2005 budget appropriation. To meet the stated target, the proposed FY 2006 budget is 1.2 million dollars less than the FY 2005 budget. The Committee was informed that to accomplish the budget reduction for the Commission FY 2006 budget certain cuts in personnel, services and resources would be necessary.

To properly determine what effect such reductions would have on the operation of the Commission, its delivery of services and its mission, the Committee met with key members of the Commission staff and requested and reviewed additional documents and exhibits. The documents and exhibits reviewed by the Committee included an impact statement regarding proposed reductions in personnel, services and resources and a line-item listing of the actual deductions and associated savings as prepared by the Commission's Budget Specialist.

The Committee notes that the bulk of the proposed reduction is to be accomplished by the elimination of funding for current vacant positions, both contractual and non-contractual. The balance of the reduction is made up by the elimination or reduction of a wide range of services and activities including training, staff development, legal resources and research, interpreter services, printing of the law book and a previously approved and funded project to ensure the confidentiality of medical records held in Commission files.

It is the opinion of the Committee that the proposed FY 2006 budget is not adequate for the Commission to properly perform its stated purpose of administering the Workers' Compensation Law of the State of Maryland for the benefit of the State of Maryland and its citizens.

The Committee also submits that the adoption of the proposed FY 2006 budget, based upon 90% of the FY 2005 appropriation, will not result in the improvement of the State's projected fiscal imbalance. The reason for this is well known and well understood by the Commission and the Committee. As a Special Fund Agency the level of expenditure of the Commission has no relationship to the General Fund spending limits, priorities or policies. Furthermore, the source of the Commission's funding is through an assessment upon insurers and self-insurers. Those entities, through their representatives on the Committee, supported the budget increase for FY 2005 and do not oppose continuing that same level of funding for FY 2006. Accordingly, a reduction in funding for the Commission will not result in any increase in the General Fund and thus will not have any impact on the State's Budget.

The Budget Advisory Committee operates independently to review and provide recommendations to the Commission on its proposed budget. The Committee considers, but is not required to comply with the directives of the DBM. The Committee considers the interest of its members representative groups and overall the interest of the Commission service base, the injured workers of the state of Maryland. The Committee suggests that its approval of the proposed FY 2006 budget which is 90% of the FY 2005 appropriation is inconsistent with the purpose behind the creation of the Budget Advisory Committee. The Commission strongly feels that such a budget, with its required associated reductions in personnel, services and support resources would result in the failure of the Commission to properly function and serve the injured worker.

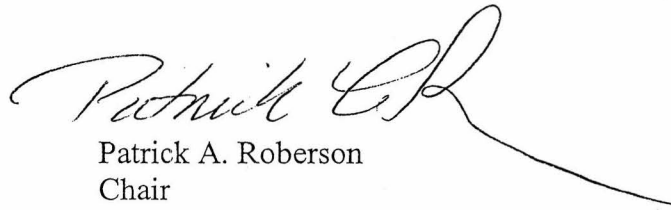
The Committee was advised that the enactment of the proposed FY 2006 budget will result in the reduction or elimination of essential services, activities and support sources including services and positions previously recommended by this Committee and required to comply with prior legislative action. Positions and services including the increase in security personnel at the hearing sites and the creation of positions to address the Commission's handling of medical records were included in the FY 2005 budget and made part of the FY 2005 appropriation. Those positions and services are slated to be eliminated as part of the deduction to meet the FY 2006 target budget. Other positions and services such as interpreters and the maintenance and operation of the hearing sites are required to comply with legislative mandates enacted in prior years. To meet the target budget, these positions and services have been significantly reduced or eliminated from the proposed FY 2006 budget.

The Honorable Thomas P. O'Reilly
November 8, 2004
Page 3 of 3

The Committee is now in its third budget review cycle. The Commission in prior years has adopted many of the recommendations of the Committee and the legislature has approved the Commission's budgets which incorporated those recommendations. Approval of the proposed FY 2006 budget will result in the loss of many positions, services and activities which the Committee previously recommended. Such a result serves to nullify the Committee and make meaningless its work in the prior budget reviews.

Therefore, as the proposed budget of the Commission results in no benefits to the state of Maryland, the Commission or the citizens of the state of Maryland it is the recommendation of the Committee that the Commission FY 2006 budget should be at the same level of the FY 2005 appropriation.

Very truly yours,



Patrick A. Roberson
Chair

PAR/rj
cc: all members

SENATE BILL 857

Unofficial Copy
K1

2000 Regular Session
0lr2862
CF 0lr2855

By: **Senators Dorman and Bromwell**
Introduced and read first time: February 23, 2000
Assigned to: Rules
Re-referred to: Finance, February 25, 2000

Committee Report: Favorable
Senate action: Adopted
Read second time: March 14, 2000

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation Commission - Location of Hearing**

3 FOR the purpose of altering the location where the Workers' Compensation
4 Commission is required to hold a hearing on a claim; and altering the location of
5 a hearing on a claim filed by an employee of a government agency.

6 BY repealing and reenacting, with amendments,
7 Article - Labor and Employment
8 Section 9-724
9 Annotated Code of Maryland
10 (1999 Replacement Volume)

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

13 **Article - Labor and Employment**

14 9-724.

15 (a) In this section, "governmental agency" includes:

- 16 (1) a county;
- 17 (2) a county board of education;
- 18 (3) a statutory bicounty agency; and

1 (4) an incorporated municipality.

2 (b) Except as provided in subsection (c) of this section, a covered employee
3 may elect to have a hearing on a claim of the covered employee held [in] AT:

4 (1) [the county where the accidental personal injury, compensable
5 hernia, or last injurious exposure to the hazards of the occupational disease allegedly
6 occurred] A REGIONAL HEARING LOCATION DETERMINED BY THE COMMISSION TO
7 BE CONVENIENT TO ALL PARTIES;

8 (2) A REGIONAL HEARING LOCATION THAT COVERS the county where
9 the covered employee resided when the accidental personal injury, or compensable
10 hernia, or last injurious exposure to the hazards of the occupational disease allegedly
11 occurred; or

12 (3) Baltimore City.

13 (c) (1) Unless the covered employee objects, if the employer is a
14 governmental agency, the Commission shall conduct a hearing in the county in which
15 the governmental agency is located, provided that hearings of the Commission are
16 scheduled in that county.

17 (2) IF HEARINGS ARE NOT CONDUCTED IN THE COUNTY IN WHICH THE
18 GOVERNMENTAL AGENCY IS LOCATED, A HEARING MAY BE HELD IN THE REGIONAL
19 HEARING LOCATION NEAREST THAT COUNTY'S GOVERNMENT OFFICES.

20 (d) A covered employee shall notify the Commission of an election under this
21 section within 10 days after the parties are notified of the hearing.

22 (e) The Commission may deny an election to hold a hearing in Baltimore City,
23 if:

24 (1) the accidental personal injury, compensable hernia, or last injurious
25 exposure to the hazards of the occupational disease allegedly occurred outside of
26 Baltimore City;

27 (2) the covered employee did not reside in Baltimore City when the
28 accidental personal injury, compensable hernia, or last injurious exposure to the
29 hazards of the occupational disease allegedly occurred; and

30 (3) the Commission finds that holding the hearing in Baltimore City
31 would inconvenience a party.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2000.

SENATE BILL 265

Unofficial Copy
P1

2002 Regular Session
(2r1790)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Commerce and Government Matters --

Introduced by Senator Sfikas

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Government - Equal Access to State Agencies Public Services -**
3 **Persons Individuals with Limited English Proficiency**

4 FOR the purpose of stating the intent of the General Assembly that State
5 departments, agencies, and programs shall provide equal access to public
6 services for services to persons individuals with limited English proficiency;
7 requiring certain State departments, agencies, and programs to provide certain
8 oral language services under certain circumstances; requiring certain documents
9 distributed to the public by State agencies to be translated by certain State
10 departments, agencies, and programs into any language spoken by a certain
11 percentage of any limited English proficient population within the a certain
12 geographic service area of a local office of a State agency, and that such
13 documents be available as needed for distribution on a statewide basis under
14 certain circumstances; requiring State agencies to promulgate certain
15 regulations by a certain date establishing a certain schedule for the
16 implementation of the certain requirements of this Act by certain State
17 departments, agencies, and programs; requiring certain State departments,

1 agencies, and programs to monitor their operations to make a certain
 2 determination under certain circumstances; requiring the Department of Human
 3 Resources to provide certain assistance to State departments, agencies, and
 4 programs under certain circumstances; providing for the construction of this Act;
 5 requiring the Secretary of Health and Mental Hygiene and the Secretary of Labor,
 6 Licensing, and Regulation to provide a certain report to the General Assembly;
 7 defining certain terms; and generally relating to equal access to State agencies
 8 by public services for persons individuals with limited English proficiency.

9 BY adding to
 10 Article - State Government
 11 Section 10-1101 through ~~10-1103~~ 10-1105, inclusive, to be under the new
 12 subtitle "~~Subtitle 11. Language-Access~~ Equal Access to Public Services for
 13 Individuals with Limited English Proficiency"
 14 Annotated Code of Maryland
 15 (1999 Replacement Volume and 2001 Supplement)

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

18 **Article - State Government**

19 ~~SUBTITLE 11. LANGUAGE-ACCESS~~ EQUAL ACCESS TO PUBLIC SERVICES FOR
 20 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

21 10-1101.

22 THE GENERAL ASSEMBLY FINDS THAT THE INABILITY TO SPEAK, UNDERSTAND,
 23 OR READ THE ENGLISH LANGUAGE IS A BARRIER THAT PREVENTS ACCESS TO
 24 PUBLIC SERVICES PROVIDED BY STATE DEPARTMENTS, AGENCIES, AND PROGRAMS,
 25 AND THAT THE PUBLIC SERVICES AVAILABLE THROUGH THESE ENTITIES ARE
 26 ESSENTIAL TO THE WELFARE OF MARYLAND RESIDENTS. IT IS THE POLICY OF THE
 27 STATE THAT STATE DEPARTMENTS, AGENCIES, AND PROGRAMS SHALL PROVIDE
 28 EQUAL ACCESS TO PUBLIC SERVICES ~~TO PERSONS~~ FOR INDIVIDUALS WITH LIMITED
 29 ENGLISH PROFICIENCY.

30 10-1102.

31 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 32 INDICATED.

33 (B) "EQUAL ACCESS" MEANS TO BE INFORMED OF, PARTICIPATE IN, AND
 34 BENEFIT FROM PUBLIC SERVICES OFFERED BY A STATE DEPARTMENT, AGENCY, OR
 35 PROGRAM, AT A LEVEL EQUAL TO ENGLISH PROFICIENT ~~PERSONS~~ INDIVIDUALS.

36 (C) "~~FORMS AND DOCUMENTS~~" MEANS ALL APPLICATIONS, OR
 37 INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE
 38 DEPARTMENTS, AGENCIES, AND PROGRAMS.

1 ~~(D)~~ (C) "LIMITED ENGLISH PROFICIENCY" MEANS THE INABILITY TO
 2 ADEQUATELY UNDERSTAND OR EXPRESS ONESELF IN THE SPOKEN OR WRITTEN
 3 ENGLISH LANGUAGE.

4 (D) "ORAL LANGUAGE SERVICES" INCLUDES VARIOUS METHODS TO PROVIDE
 5 VERBAL INFORMATION AND INTERPRETATION SUCH AS STAFF INTERPRETERS,
 6 BILINGUAL STAFF, TELEPHONE INTERPRETER PROGRAMS, AND PRIVATE
 7 INTERPRETER PROGRAMS.

8 (E) "PROGRAM" MEANS ALL OF THE OPERATIONS OF A STATE DEPARTMENT,
 9 STATE AGENCY, OR ANY OTHER INSTRUMENTALITY OF THE STATE.

10 (F) (1) "VITAL DOCUMENTS" MEANS ALL APPLICATIONS, OR
 11 INFORMATIONAL MATERIALS, NOTICES, AND COMPLAINT FORMS OFFERED BY STATE
 12 DEPARTMENTS, AGENCIES, AND PROGRAMS.

13 (2) "VITAL DOCUMENTS" DOES NOT INCLUDE APPLICATIONS AND
 14 EXAMINATIONS RELATED TO THE LICENSURE, CERTIFICATION, OR REGISTRATION
 15 UNDER THE HEALTH OCCUPATIONS ARTICLE, FINANCIAL INSTITUTIONS ARTICLE,
 16 BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, AND BUSINESS REGULATION
 17 ARTICLE WITHIN THE JURISDICTION OF THE DEPARTMENT OF HEALTH AND
 18 MENTAL HYGIENE OR THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

19 10-1103.

20 (A) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM LISTED OR
 21 IDENTIFIED UNDER SUBSECTION (C) OF THIS SECTION SHALL TAKE REASONABLE
 22 STEPS TO PROVIDE EQUAL ACCESS TO PUBLIC SERVICES ~~TO~~ FOR INDIVIDUALS WITH
 23 LIMITED ENGLISH PROFICIENCY.

24 (B) REASONABLE STEPS TO PROVIDE EQUAL ACCESS SHALL BE ACHIEVED BY
 25 TO PUBLIC SERVICES INCLUDE:

26 (1) THE PROVISION OF INTERPRETERS FOR PERSONS WHO CANNOT
 27 ADEQUATELY UNDERSTAND OR EXPRESS THEMSELVES IN SPOKEN ENGLISH ORAL
 28 LANGUAGE SERVICES FOR INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY:

29 (i) WHICH MUST BE THROUGH FACE-TO-FACE, IN-HOUSE ORAL
 30 LANGUAGE SERVICES IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH
 31 LIMITED ENGLISH PROFICIENCY IS ON A WEEKLY OR MORE FREQUENT BASIS; OR

32 (ii) THROUGH TELEPHONE AND PRIVATE ORAL LANGUAGE
 33 SERVICES IF CONTACT BETWEEN THE AGENCY AND INDIVIDUALS WITH LIMITED
 34 ENGLISH PROFICIENCY IS ON A LESS FREQUENT THAN MONTHLY BASIS;

35 (2) (I) THE TRANSLATION OF FORMS AND VITAL DOCUMENTS
 36 ORDINARILY PROVIDED TO THE PUBLIC INTO ANY LANGUAGE SPOKEN BY ANY
 37 LIMITED ENGLISH PROFICIENT POPULATION THAT CONSTITUTES 3% OF THE
 38 OVERALL POPULATION WITHIN THE GEOGRAPHIC AREA SERVED BY A LOCAL OFFICE

1 OF A STATE DEPARTMENT, AGENCY, OR PROGRAM AS MEASURED BY THE UNITED
2 STATES CENSUS; AND

3 (II) PROVIDING THE THE PROVISION OF FORMS AND VITAL
4 DOCUMENTS IN TRANSLATED UNDER ITEM (I) OF THIS PARAGRAPH ON A STATEWIDE
5 BASIS TO ANY LOCAL OFFICE AS NECESSARY; AND

6 (3) ANY ADDITIONAL METHODS OR MEANS NECESSARY TO ACHIEVE
7 EQUAL ACCESS TO THE STATE PROGRAM PUBLIC SERVICES.

8 (C) EACH STATE DEPARTMENT, AGENCY, OR PROGRAM SHALL ADOPT
9 REGULATIONS IMPLEMENTING THE REQUIREMENTS OF THIS SUBTITLE BY MARCH 1,
10 2003.

11 (C) (1) ~~THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH~~
12 ~~THE OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION~~
13 ~~AND TECHNICAL ASSISTANCE TO PROGRAMS TO AID COMPLIANCE WITH THIS~~
14 ~~SUBTITLE;~~

15 (2) (C) THE PROVISIONS OF THIS SUBTITLE SHALL BE FULLY
16 IMPLEMENTED ACCORDING TO THE FOLLOWING SCHEDULE:

17 (I) ON OR BEFORE JULY 1, 2003, FULL IMPLEMENTATION BY:

18 1. THE DEPARTMENT OF HUMAN RESOURCES;

19 2. THE DEPARTMENT OF LABOR, LICENSING, AND
20 REGULATION;

21 3. THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

22 4. THE DEPARTMENT OF JUVENILE JUSTICE; AND

23 5. THE WORKERS' COMPENSATION COMMISSION;

24 (II) ON OR BEFORE JULY 1, 2004, FULL IMPLEMENTATION BY:

25 1. THE DEPARTMENT OF AGING;

26 2. THE DEPARTMENT OF PUBLIC SAFETY AND
27 CORRECTIONAL SERVICES;

28 3. THE DEPARTMENT OF TRANSPORTATION, NOT INCLUDING
29 THE MARYLAND TRANSIT ADMINISTRATION;

30 4. THE MARYLAND HUMAN RELATIONS COMMISSION;

31 5. THE DEPARTMENT OF STATE POLICE; AND

32 6. FIVE INDEPENDENT AGENCIES, BOARDS, OR
33 COMMISSIONS, TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF

1 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
 2 GENERAL;

3 (III) ON OR BEFORE JULY 1, 2005, FULL IMPLEMENTATION BY:

- 4 1. THE COMPTROLLER OF MARYLAND;
 5 2. THE DEPARTMENT OF HOUSING AND COMMUNITY
 6 DEVELOPMENT;
 7 3. THE MARYLAND TRANSIT ADMINISTRATION;
 8 4. THE DEPARTMENT OF NATURAL RESOURCES;
 9 5. THE MARYLAND STATE DEPARTMENT OF EDUCATION;
 10 6. THE OFFICE OF THE ATTORNEY GENERAL; AND
 11 7. FIVE INDEPENDENT AGENCIES, BOARDS, OR
 12 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
 13 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
 14 GENERAL; AND

15 (IV) ON OR BEFORE JULY 1, 2006, FULL IMPLEMENTATION BY:

- 16 1. THE DEPARTMENT OF AGRICULTURE;
 17 2. THE DEPARTMENT OF BUSINESS AND ECONOMIC
 18 DEVELOPMENT;
 19 3. THE DEPARTMENT OF VETERANS AFFAIRS; AND
 20 4. THE DEPARTMENT OF THE ENVIRONMENT; AND
 21 4. 5. FIVE INDEPENDENT AGENCIES, BOARDS, OR
 22 COMMISSIONS TO BE DETERMINED BY THE SECRETARY OF THE DEPARTMENT OF
 23 HUMAN RESOURCES, IN CONSULTATION WITH THE OFFICE OF THE ATTORNEY
 24 GENERAL.

25 10-1104.

26 EACH STATE DEPARTMENT, AGENCY, OR PROGRAM NOT LISTED OR IDENTIFIED
 27 UNDER § 10-1103(C) OF THIS SUBTITLE SHALL MONITOR ITS OPERATIONS TO
 28 DETERMINE IF THE STATE DEPARTMENT, AGENCY, OR PROGRAM SHOULD TAKE
 29 REASONABLE STEPS TO ACHIEVE EQUAL ACCESS TO PUBLIC SERVICES FOR
 30 INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.

31 10-1105.

32 THE DEPARTMENT OF HUMAN RESOURCES, IN CONSULTATION WITH THE
 33 OFFICE OF THE ATTORNEY GENERAL, SHALL PROVIDE CENTRAL COORDINATION

1 AND TECHNICAL ASSISTANCE TO STATE DEPARTMENTS, AGENCIES AND PROGRAMS
2 TO AID COMPLIANCE WITH THIS SUBTITLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act may not be
4 construed to either recommend or require the creation of a State office to coordinate
5 language translation and technical support for this Act. Each agency, department, or
6 program required to implement the provisions of this Act shall do so without the
7 assistance of a statewide office created to coordinate these services.

8 SECTION 3. AND BE IT FURTHER ENACTED, That the Secretary of Health
9 and Mental Hygiene and the Secretary of Labor, Licensing, and Regulation each shall:

10 (1) consider the impact on individuals with limited English proficiency and on
11 the operations of State government that would likely result from an alteration of the
12 definition of "vital documents" in § 10-1102 of the State Government Article, as
13 enacted by Section 1 of this Act, to include applications and examinations related to an
14 individual's licensure, certification, or registration by the Department of Health and
15 Mental Hygiene or the Department of Labor, Licensing, and Regulation; and

16 (2) on or before July 1, 2005, report to the General Assembly, in accordance
17 with § 2-1246 of the State Government Article, on the conclusions reached under item
18 (1) of this section.

19 SECTION 3-4. AND BE IT FURTHER ENACTED, That this Act shall take
20 effect October July 1, 2002.