

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 158

(Chair, Health and Government Operations
Committee)(By Request - Departmental - Aging)

Health and Government Operations

Finance

Department of Aging - Senior Call-Check and Social Connections Program

This departmental bill renames the Senior Call-Check Service and Notification Program in the Maryland Department of Aging (MDOA) to be the Senior Call-Check and Social Connections Program and broadens the program to provide “regular, direct communication” from MDOA (or the department’s designee) to an “eligible participant” to promote wellness and purposeful social engagement. MDOA must integrate services with the Telecommunications Access of Maryland (TAM) Program within the Maryland Department of Disabilities (MDOD). The bill must be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any estate or a decedent who died before the bill’s effective date.

Fiscal Summary

State Effect: The bill primarily alters the purposes for which existing funds may be used. To the extent it requires administrative changes, MDOA can handle them with existing budgeted resources.

Local Effect: To the extent that MDOA contracts with local governments to provide services through the Senior Call-Check and Social Connections Program as authorized under the bill, local government revenues and expenditures may increase.

Small Business Effect: MDOA has determined that this bill has minimal or no impact on small business (attached). The Department of Legislative Services concurs with this assessment. (The attached assessment does not reflect amendments to the bill.)

Analysis

Bill Summary: “Eligible participant” means a resident of the State who is at least 60 years old.

“Person of record” includes a local law enforcement unit or other local government agency *or a designee of the participant* that chooses to participate in the program.

“Regular, direct communication” means regular interactions initiated or received by MDOA or the department’s designee that (1) may include telephone calls, text messages, and web-based, virtual, video, or in-person communications, and other forms of communication approved by MDOA and (2) are accessible to eligible participants with disabilities.

“Village” means local, volunteer-led organizations that aim to support community members who choose to age in place, including by organizing events and fostering social connections through activities and coordinating volunteer help at home using the neighbor-helping-neighbor model.

Senior Call-Check and Social Connections Program

The Senior Call-Check and Social Connections Program includes (1) an automated or live telephone call *or other direct communication* initiated or received by an eligible participant at a regularly scheduled time each day; (2) if the eligible participant does not answer or initiate the regularly scheduled call *or other direct communication* and the Secretary of Aging designs the program to require this action, one or more automated or live telephone calls *or other direct communication* to the eligible participant; (3) if the eligible participant does not answer a telephone call *or other direct communication*, an additional automated or live telephone call *or other direct communication* to notify a person of record whose name has been provided to MDOA; and (4) a notification to the eligible participant regarding information that the Secretary of Aging has determined to be relevant.

MDOA must integrate services with the TAM Program by promoting awareness of the availability of accessible telecommunications equipment and using educational outreach materials produced by TAM.

MDOA may enter into agreements or contracts as appropriate with a private vendor, a nonprofit organization, a village incorporated in and serving older adults in the State, an area agency on aging (AAA), or any other person to provide program services. MDOA may enter into interagency agreements with other State or local governmental entities to provide program services. MDOA may accept funds provided by other public and private sources, including gifts and grants to be used to provide program services.

The Maryland Tort Claims Act (MTCA) and the Local Government Tort Claims Act (LGTC), as appropriate, apply to a State or local unit and to an employee or agency of a State or local unit that participates in the program for services provided under the program in accordance with adopted regulations. A person of record, a private vendor, a nonprofit organization, a village incorporated in and serving older adults in the State, an AAA, or any other entity under an agreement or contract with MDOA, or a volunteer may not be liable for reasonable acts or omissions directly arising from services provided under the program in accordance with regulations.

Current Law:

Senior Call-Check Service Notification Program

“Senior call-check service and notification” means a telephone call made or received each day at a regularly scheduled time by MDOA or MDOA’s designee to the residence of an eligible participant (a resident of the state who is at least age 65) to verify that the participant is able to receive notifications and answer the telephone or place a call from the telephone. MDOA may contract with a private vendor or nonprofit organization to provide the senior call-check and notification service. “Senior call-check service and notification” includes:

- an automated or live telephone call placed by an eligible participant or received by an eligible participant at a regularly scheduled time each day;
- if the eligible participant does not answer or place the regularly scheduled call and the Secretary of Aging designs the program to require this action, one or more automated or live telephone calls to the eligible participant;
- if the eligible participant does not answer a telephone call from the service, an additional automated or live telephone call to notify a person of record whose name has been provided to MDOA; and
- a notification to the eligible participant regarding information that the Secretary of Aging has determined to be relevant.

MTCA and LGTCA, as appropriate, apply to a State or local unit and to an employee or agency of a State or local unit that participates in the program for services the unit or person provides under the program in accordance with regulations adopted by MDOA.

A person of record and a volunteer may not be liable for reasonable acts or omissions directly arising from services the person provides under the program in accordance with regulations adopted by MDOA. “Person of record” includes a local law enforcement unit or other local government agency that chooses to participate in the program.

Universal Service Trust Fund

The costs of the Senior Call-Check Service Notification Program may be paid from the Universal Service Trust Fund (USTF). The program must be funded at an amount that (1) is equal to the cost that MDOA is expected to incur for the upcoming fiscal year to provide the service and administer the program and (2) is no more than five cents per month for each account that pays the USTF surcharge. Money in the USTF may only be used to fund the costs of specified programs and to pay for the administration of the fund.

The costs of the programs funded by USTF must be funded by revenues generated by a surcharge to be paid by the subscribers to a communications service and other funds as provided in the State budget. The surcharge may not exceed 18 cents per month for each account and must be applied to all current bills rendered for a communications service in the State.

Maryland Tort Claims Act

In general, the State is immune from tort liability for the acts of its employees and cannot be sued in tort without its consent. Under MTCA, the State statutorily waives its own common law (sovereign) immunity on a limited basis. MTCA applies to tortious acts or omissions, including State constitutional torts, by State personnel performed in the course of their official duties, so long as the acts or omissions are made without malice or gross negligence. Under MTCA, the State essentially “waives sovereign or governmental immunity and substitutes the liability of the State for the liability of the state employee committing the tort.” *Lee v. Cline*, 384 Md. 245, 262 (2004).

MTCA covers a multitude of personnel, including some local officials and nonprofit organizations. In actions involving malice or gross negligence or actions outside of the scope of the public duties of the State employee, the State employee is not shielded by the State’s color of authority or sovereign immunity and may be held personally liable.

Local Government Tort Claims Act

In general, LGTCA limits the liability of a local government to \$400,000 per individual claim and \$800,000 per total claims that arise from the same occurrence for damages from tortious acts or omissions (including intentional and constitutional torts). Higher liability limits apply to claims involving law enforcement officers that arise on or after July 1, 2022, and claims involving child sexual abuse.

LGTCA further establishes that the local government is liable for tortious acts or omissions of its employees acting within the scope of employment, so long as the employee did not act with actual malice. Thus, LGTCA prevents local governments from asserting a

common law claim of governmental immunity from liability for such acts or omissions of its employees.

Telecommunications Access of Maryland

MDOD, in consultation with the Governor's Advisory Board for Telecommunications Relay, must establish and administer a program to provide specialized customer telephone equipment to eligible program participants and provide reimbursement of costs.

Background: MDOA advises that renaming the Senior Call-Check Service Notification Program to be the Senior Call-Check and Social Connections Program and broadening the scope of the program offers the department greater flexibility for providing regular, direct, communication services to older adults and the deaf and hard of hearing community in the State. The current program is inequitable to the deaf and hard of hearing community, as well as individuals with limited English proficiency, who would likely benefit from the addition of video calls, text messages, and other forms of direct communications. MDOA estimates that approximately 2,000 older Marylanders are served by the Senior Call-Check Service Notification Program per year. Additionally, MDOA advises that the bill confirms the integration of program services with TAM within MDOD.

State Fiscal Effect: The fiscal 2026 budget as introduced includes \$419,967 in special funds expenditures from USTF for the Senior Call-Check Service and Notification Program. This analysis assumes that these funds will be used for the renamed Senior Call-Check and Social Connections Program beginning in fiscal 2026, after the October 1, 2025 effective date of the bill. MDOA advises that existing staff resources allocated to the Senior Call-Check Service and Notification Program are sufficient to meet the requirements of the bill for the new Senior Call-Check and Social Connections Program.

Under the bill, MDOA may enter into specified agreements or contracts with a private vendor, a nonprofit organization, a village incorporated in and serving older adults in the State, an AAA, other State or local governmental entities or any other person to provide program services. To the extent that MDOA enters into such agreements, special fund expenditures from USTF may increase beginning in fiscal 2026.

Local Fiscal Effect: AAAs and other local organizations that operate under the Senior Call-Check Service Notification Program must update their operations to adhere to Senior Call-Check and Social Connections Program guidelines and regulations. As mentioned above, under the bill, MDOA may enter into agreements or contracts as appropriate with AAAs, some of which may be units of local government. MDOA may also enter into interagency agreements with other local governmental entities to provide program services. Under such agreements, local government revenues and expenditures

increase to provide services through the Senior Call-Check and Social Connections Program.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 223 (Chair, Finance Committee)(By Request - Departmental - Aging) - Finance.

Information Source(s): Maryland Department of Aging; Maryland Department of Disabilities; Maryland Department of Health; Department of Human Services; Department of Legislative Services

Fiscal Note History: First Reader - January 20, 2025
km/jc Third Reader - March 19, 2025
Revised - Amendment(s) - March 19, 2025

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ANALYSIS OF ECONOMIC IMPACT ON SMALL BUSINESSES

TITLE OF BILL: Department of Aging - Social Connections Program – Establishment

BILL NUMBER: HB 158

PREPARED BY: Andrea Nunez

PART A. ECONOMIC IMPACT RATING

This agency estimates that the proposed bill:

X WILL HAVE MINIMAL OR NO ECONOMIC IMPACT ON MARYLAND SMALL BUSINESS

OR

WILL HAVE MEANINGFUL ECONOMIC IMPACT ON MARYLAND SMALL BUSINESSES

PART B. ECONOMIC IMPACT ANALYSIS

This change will have an overall minimal impact on Maryland small businesses. This is broadening of a state program that currently utilizes a state master contract for automated phone calls. It will be broadened to allow the Department to grant and/or contract out funds to nonprofit organizations including Senior Villages located in Maryland, Maryland Area Agencies on Aging

(AAAs, which are located typically in County government within human service agencies), for-profit businesses or other entities to achieve the program goals.

Thus, small businesses may have new opportunities to pursue competitive funding opportunities under this program. The Department envisions developing grant opportunities first, but as needed, may turn to for-profit businesses in the form of appropriate small procurement opportunities to provide certain communication and engagement services aligned with the program goals.