

MEMORANDUM

April 6, 2021

TO: Health and Human Services Committee

FROM: Linda McMillan, Senior Legislative Analyst

SUBJECT: Executive Regulation 19-20, Functions, Powers, and Duties – Regulations – Fee Schedules

PURPOSE: Worksession; Recommendation/Vote Expected

Expected for this session:

Dr. Rolando Santiago, Chief, Behavioral Health and Crisis Services, Department of Health and Human Services (DHHS)

Clark Beil, Administrator, Licensure and Regulatory Services, DHHS

Leslie Frey, Legislative Analyst, Office of Intergovernmental Relations and DHHS

Executive Regulation 19-20, Functions, Powers, and Duties – Regulations – Fee Schedules was received by the Council on February 23, 2021. The regulation as transmitted says it is subject to Council review under Method 1. However, the County Code specifies that it is to be reviewed under Method 2. Under Method 2, the Council must approve, disapprove, or extend time for consideration within 60 days (April 24) or it will be automatically approved. The Council's Attorney has concluded that since the advertising requirements are the same for Method 1 and Method 2 there is no need to readvertise.

This regulation is technical in nature. Its main purposes are to:

- (1) Replace the out-of-date name of the Maryland Department of Health and Mental Hygiene with the correct name, the Maryland Department of Health;
- (2) for the Crime Victim Compensation Fund, remove reference to Statement of Age Card Fee;
- (3) for the DHHS schedule of fees, update the name to the Department of Health and Human Services;

- (4) Reference the use of the Maryland Department of Health's Ability to Pay Schedule and specify that no client is denied services due to the inability to pay; and,
- (5) Removes a fee schedule for DAVMHS and replace it with reference to the Maryland Department of Health's Ability to Pay Schedule. (DAVMHS was the Department of Addiction, Victim, and Mental Health Services that existed prior to the consolidation of the Montgomery County Department of Health and Human Services. This section is very out of date.)

Council staff recommendation: Approve as transmitted.

Attached:

Executive Regulation 19-20 – Memo from County Executive and Fiscal Impact Statement	1-3
Executive Regulation 19-20, Underlined and Brackets	4-16
MDH Ability to Pay Schedule	17-18
County Code, Section 32, Victim Advocate Program	19-21




OFFICE OF THE COUNTY EXECUTIVE
ROCKVILLE, MARYLAND 20850

Marc Elrich
County Executive

MEMORANDUM

February 23, 2021

TO: Tom Hucker, President, County Council

FROM: Marc Elrich, County Executive 

SUBJECT: Executive Regulation 19-20, Functions, Powers and Duties – Regulations – Fee Schedules

I am attaching for consideration of County Council, Executive Regulation 19-20, Functions, Powers and Duties – Regulations – Fee Schedules. This regulation makes formatting changes, removes references to a statement of age card, updates names of state and local departments and removes specific fee schedules.

The regulation reflects the change of name from the Maryland Department of Health and Mental Hygiene to the Maryland Department of Health and corrects numbering. It also removes reference to a statement of age card formerly issued by the Department of Health and Human Services and specific fees to be collected by the Department. The regulation replaces the specific fees with references to the Maryland Department of Health's issuance of the fee schedules so that as the state alters the fees in the future, the County Code of Regulations will not have to be updated.

No comments were received during the comment period. If you have any questions, please contact Ms. Leslie Frey, Intergovernmental Relations Legislative Analyst, Department of Health and Human Services, at 240-372-7441 or leslie.frey@montgomerycountymd.gov.

ML:gh

Attachments

Fiscal Impact Statement
Executive Regulation 19-20
Functions, Powers and Duties – Regulations – Fee Schedules

1. Executive Regulation Summary

Executive Regulation 19-20, Functions, Powers and Duties – Regulations – Fee Schedules makes formatting changes, removes references to a statement of age card, updates names of State and local departments and removes specific fee schedules that are no longer used.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

It is estimated that there will be no fiscal impact for this proposed change.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

It is estimated that there will be no fiscal impact on the next six fiscal years for this proposed change.

4. An actuarial analysis through the entire amortization period for each regulation that would affect retiree pension or group insurance costs.

Not applicable.

5. An estimate of expenditures related to the County's information technology (IT) systems, including Enterprise Planning (ERP) systems.

Not applicable.

6. Later actions that may affect future revenue and expenditures if the regulation authorizes future spending.

Executive Regulation 19-20 does not authorize future spending.

7. An estimate of the staff time needed to implement the regulation.

It is estimated that staff time to implement this regulation will be minimal and that there will be no negative fiscal impact.

8. An explanation of how the addition of new staff responsibilities would affect other duties.

It is estimated that these changes will not increase staff responsibilities.

9. An estimate of costs when an additional appropriation is needed.

Not applicable.

10. A description of any variable that could affect revenue and cost estimates.

Not applicable.

11. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not applicable.

12. If a regulation is likely to have no fiscal impact, why that is the case.

See response #7.

13. Other fiscal impacts or comments.

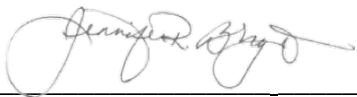
Not applicable.

14. The following contributed to and concurred with this analysis:

Raymond L. Crowel, Psy.D., Director, Department of Health and Human Services

Clark R. Beil, Sr. Administrator, Department of Health and Human Services

Deborah Lambert, Senior Fiscal and Policy Analyst, Office of Management and Budget



Jennifer Bryant, Acting Director
Office of Management and Budget

12/15/20

Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject: Functions, Powers and Duties – Regulations – Fee
Schedules

Number: 19-20

Originating Department:
Office of Health and Human Services

Effective Date:

Office of Health and Human Services
Montgomery County Regulation on:

FUNCTIONS, POWERS AND DUTIES – REGULATIONS - FEE SCHEDULES

Issued by: County Executive
COMCOR 02.42A.01, 02.42A.02, 02.42A.03, 02.42A.04, and 02.42A.05
Authority: Code Section 2-42A(e)
Supersedes: Executive Regulations 21-98AM, 30-92, 31-92, 61-92 and 1-95, in part
Council Review Method (1) Under Code Section 2A-15
Register Vol. 38, No. 1
Comment Deadline: January 31, 2021
Effective Date: _____
Sunset Date: None

SUMMARY: This regulation amends Sections 02.42A.01, 02.42A.02, 02.42A.03, 02.42A.04, and 02.42A.05 of the Code of Montgomery County Regulations to update program and department titles, and fee schedules.

ADDRESS: Department of Health and Human Services
401 Hungerford Drive
Rockville, Maryland 20850

STAFF CONTACT: Leslie Frey 2400-372-7441 or Leslie.Frey@montgomerycountymd.gov

BACKGROUND: The regulation reflects the change of name from the Maryland Department of Health and Mental Hygiene to the Maryland Department of Health and corrects numbering. It also removes reference to a statement of age card formerly issued by the Department of Health and Human Services and specific fees to be collected by the Department. The regulation replaces the specific fees with references to the Maryland Department of Health's issuance of the fee schedules so that as the state alters the fees in the future, the County Code of Regulations will not have to be updated

COMCOR 02.42A.01 Crime Victim Compensation Fund

02.42A.01.01 Definitions



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Crime: An act committed by any person which would be a crime under the laws of this County, the State of Maryland, Federal Law, or at Common Law.

Department: Montgomery County Department of Health and Human Services.

Director: The director of the Montgomery County Department of Health and Human Services or the director's designee at or above the level of program administrator.

Fund: Crime Victim Compensation Fund.

Immediate Family Member: A parent, child, spouse, or sibling of the victim.

Income Eligible: A victim whose gross annual income is within the eligibility guidelines as set by the Montgomery County Housing Opportunity Commission for Federally subsidized benefits.

Law Enforcement Agency: Defined for purposes of this regulation as:

[(a)]A. [The] the Maryland State Police;

[(b)]B. [The] the Montgomery County Police Department;

[(c)]C. [The] the Police Department, Bureau, or Force of any incorporated city or town lying within Montgomery County;

[(d)]D. [The] the Montgomery County [Sheriffs] Sheriff's Department;

[(e)]E. [Appropriate] appropriate Federal law enforcement agency; and

[(f)]F. [Any] any comparable law enforcement agency outside Montgomery County.

Program: Victim Assistance and Sexual Assault Program of the Crisis, Income and Victim Services Area of the Department of Health and Human Services.

Program Administrator: Administrator of the Victim Assistance and Sexual Assault Program.

Victim: A person who suffers direct or threatened physical, emotional, or financial harm as a result of a crime or attempted crime and includes immediate family members or household members.



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02.42A.01.02 Responsibilities of the Department

- 2.1 The Department of Health and Human Services is responsible for establishing necessary departmental procedures to ensure the expeditious handling of all request for victim compensation.
- 2.2 As part of the annual budget submission, the County Executive will state the amount raised by the Victim Assistance and Sexual Assault Program in the previous calendar year and recommend, in addition to the regular appropriation for the program, an additional appropriation necessary for a 2-1 County match of private donated funds.

02.42A.01.03 Victim Identification

- 3.1 In addition to self-referrals, the Program will accept referrals from the Police, the Courts, the State's Attorney's Office, the Abused Persons Program, and other individuals, programs, and agencies who have come into contact with victims of crimes.

[02.42A.01.014] 04.42A.01.04 Eligibility

- 4.1 To be eligible to receive compensation from the Fund, an individual must be a victim of a crime committed in Montgomery County or a resident of Montgomery County who is a victim of a crime in another jurisdiction where comparable compensation is not available. The crime must have been reported to an appropriate law enforcement, domestic violence or sexual assault agency within forty-eight hours after its occurrence or its discovery. The Program Administrator may waive this deadline if the administrator determine that it was difficult or impossible for the victim to meet the deadline. Reporting to an appropriate law enforcement agency means that a crime report number is issued and recorded in that law enforcement office.
- 4.2 In addition, immediate family members and household members of a victim are eligible to receive compensation from the Fund.

02.42A.01.05 Compensation

- 5.1 Income eligible victims are eligible for costs incurred for court appearances, claim hearings, and medical (including mental health) treatment; replacement of property lost as a result of a crime and needed for the well-being of the victim; and other services or financial assistance directly related to the effects of the crime on the victim. Total compensation per single criminal incident is limited to \$2,500.00



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- 5.2 A member of a victim's immediate family or household may receive compensation for mental health services only. Reasonable proof that a relationship qualifies under this subsection may be requested. Reasonable proof shall consist of one or more of the following: marriage certificate, birth certificate, lease or mortgage statement demonstrating joint residence; utility bills demonstrating joint residence; or documentation that the Director determines is equivalent to the above.
- 5.3 Compensation for mental health services for the victim's immediate family or household members may not exceed \$500 (20 [percent] % of the maximum compensation) if the member of the immediate family or household meets income limits that apply to the victim.
- 5.4 Compensation for mental health services for the victim's immediate family or household members may not exceed \$250 (10% of the maximum compensation) if the member of the immediate family or household is not income eligible and the Director waives the income limits. The Director may waive income eligibility if he determines doing so will promote the Fund's purpose of assisting and supporting crime victims.
- 5.5 Compensation for mental health services paid for the victim's immediate family or household members is not included in the victim's total maximum compensation of \$2,500 per single criminal incident.
- 5.6 The Director may waive the income limits if the Director determines that the costs of the crime are likely to reduce the victim's income below the income limits within twelve (12) months of the date of application for assistance.
- 5.7 The Director may waive the income limits for a victim who is not income eligible for a maximum compensation of \$250 (10% of the maximum compensation). Income eligibility may be waived if the Director determines doing so will promote the Fund's purpose of assisting and supporting crime victims.
- 5.8 Compensation, replacement of property and other financial assistance are available only to the extent that they are not available from insurance, the State victim compensation program, the Partnership Board for Victims of Hate Violence, or any other source.

02.42A.01.06 Filing Claims



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Office of Health and Human Services

Effective Date:

- 6.1 To file a claim for compensation or property replacement, victims, immediate family members, and household members must complete an application form and deliver the completed form to the Program.
- 6.2 To file a claim for compensation victims, immediate family members, and household members must sign a statement affirming that all information provided and statements made to the Program are true and based on personal knowledge.
- 6.3 Any claim for compensation must be filed by the victim, immediately family member or household member within 90 days after the crime is reported. The Program Administrator may waive the 90-day requirement if determined that it was difficult or impossible for the victim, immediate family members, or household member to meet the deadline.

02.42A.01.07 Responsibilities of the Program

- 7.1 After receipt of referral, a Victim Assistant should attempt to contact the victim within seven (7) working days to determine eligibility. Contact shall be done by mail when necessary. This initial contact will include the review of information affecting victim's eligibility, including but not limited to such items as general amount and urgency of need, potential insurance coverage and deductible amounts, and general income level of the victim.
- 7.2 If the victim is eligible for the program and desires assistance, a Victim Assistant will assist the victim in completing an application form.
- 7.3 Upon receipt of the compensation application form, the Victim Assistant will process the claim including, but not limited to, verification of the crime data, final eligibility determination and value assessment.
- 7.4 After investigation and determination of an appropriate compensation amount by the Victim Assistant, the Program Administrator shall approve or disapprove payment of the claim within 30 days of the Program Administrator determining that the application is complete, subject to the availability of funding.
- 7.5 The Program Administrator will prepare a written report on the Crime Victim Compensation Fund annually to the Victim Services Advisory Board.

02.42A.01.08 Review of Program



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Office of Health and Human Services

Effective Date:

- 8.1 The Victim Services Advisory Board will review the annual report presented by the Program Administrator and make recommendations for changes and/or improvements to the Director of the Department of Health and Human Services.
- 8.2 The Victim Services Advisory Board will include their review of the Crime Victim Compensation Fund in their annual report to the County Executive and County Council.

02.42A.01.09 Effective Date

- 9.1 This regulation takes effect 30 days after approval by the County Council.

COMCOR 02.42A.02 Reserved [Statement-of-Age Card Fee]

[02.42A.02.01 Background and Fee

1. Section 3-202(c), of Health-General Article, Annotated Code of Maryland authorizes each county board of health to set any fee or charge for services which are not wholly or partly provided by State or federal funds administered by the State Department of Health and Mental Hygiene.
2. Section 2-42(b), Montgomery County Code 1984, as amended, requires that fees for Health Department services will be established by the County Executive who may from time to time change them in an amount not to exceed the cost of the services provided.
3. The fee to be charged for the preparation of a Statement-of-Age Card by the Health Department is established as \$4.00.

02.42A.02.02 Effective Date

This regulation takes effect thirty (30) days after the deadline for comments published in the Register.]

COMCOR 02.42A.03 Montgomery County Department of Health and Human Services Fee Schedule

02.42A.03.01



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Office of Health and Human Services

Effective Date:

Section 16-201(b), Health-General Article, Annotated Code of Maryland, requires political subdivisions to set charges and collect fees for health and health-related services funded in whole or in part by State or federal funds. Services provided by the Montgomery County Department of Health and Human Services [Department services] are affected by this law.

02.42A.03.02

Section [2-42(b)] 2-42A(e), Montgomery County Code [1984] requires that fees for Department of Health and Human Services [Department] services will be established by the County Executive who may from time to time change them in an amount not to exceed the actual cost of the services provided.

02.42A.03.03

The current maximum fee to be charged by the Department of Health and Human Services [Department] for the health services it provides is determined annually by the Maryland Department of Health [DHMH].

02.42A.03.04

The Maryland Department of Health [and Mental Hygiene] annually issues an Ability to Pay Schedule in accordance with its responsibilities under Section 16-201, Health-General Article, Annotated Code of Maryland. That portion of the authorized service fee to be paid by a client is determined by reference to the Ability to Pay Schedule. No client is denied services due to inability to pay.

COMCOR 02.42A.04 Death Certificate Fee

02.42A.04.01 Background and Fee

1. Section 4-217(d), of Health-General Article, Annotated Code of Maryland authorizes each county local health department to set and collect a fee for processing and issuing a death certificate that covers the administration cost of providing this service. The fee set by the local health department for processing and issuing a death certificate is [as] determined by the Health Officer.
2. Section [2-42(b)] 2-42A(e), Montgomery County Code [1984], as amended, requires that fees for Department of Health and Human Services [Department] services be established



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by the County Executive who may from time to time change them in an amount not to exceed the cost of the services provided.

3. The fee to be charged for the preparation of a death certificate will be determined by the Health Officer based on [his] the determination of the actual cost of processing and issuing a death certificate.

02.42A.04.02 Effective Date

This regulation takes effect thirty (30) calendar days after the deadline for comments published in the Register.

COMCOR 02.42A.05 Ability to Pay Schedule [Fee Schedule for DAVMHS Programs]

[02.42A.05.01 Department Wide Fees

<u>SERVICE</u>	<u>UNIT OF COST</u>	<u>FEE</u>
A. Reproductions of Medical Records	Page	\$ 1.00
B. Medical Abstract and Formal Written Report	Each	\$ 25.00
C. Health/Client/Family Education	Session	\$ 6.00
D. Court Testimony	Per Hour or Fraction Thereof	\$ 84.00]

[02.42A.05.02 Division of Adult Addiction Services

<u>SERVICE</u>	<u>UNIT OF COST</u>	<u>FEE</u>
A. DWI/TASC		
DWI Diversion Fee	Per Client	\$ 75.00
Assessments – TASC	Per Visit	\$ 84.00
Urinalysis	Per Visit	\$ 15.45
B. Outpatient Addiction Services (OAS)		



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Assessment, Case Management and Therapy Services	Per Visit	\$ 84.00
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C. Residential Addiction Services (RAS)

Halfway Houses	Per Day	\$ 10.00
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D. Methadone to Abstinence (MTA)

Methadone/Medical Monitoring	Per Week	\$ 70.00]
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[02.42A.05.03 Division of Child and Adolescent Services

<u>SERVICE</u>	<u>UNIT OF COST</u>	<u>FEE</u>
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A. Adolescent Treatment and Family Therapy Services (ATFTS)

Assessment, Case Management, and Therapy Services	Per Visit	\$ 84.00
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B. The Other Way Day Treatment Program (TOWDTP)

Assessment, Case Management, and Therapy Services	Per Visit	\$ 84.00
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C. Child Mental Health Services (CMHS)

Assessment, Case Management, and Therapy Services	Per Visit	\$ 84.00
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D. Home Intervention Program/Community Support Services

Assessment, Case Management, and Therapy Services	Per Visit	\$ 84.00
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E. Therapeutic Nursery Program

Assessment, Case Management, and
Therapy Services

Per Visit

\$ 84.00

F. Child and Adolescent Community Support
Services

Initial Assessment

Per Client

\$250.00

Reassessment

Per Client

\$ 50.00

Ongoing Case Management

Per Month

\$335.00

Interagency Service Plan Development
or Revision

Per Client

\$135.00]

[02.42A.05.04 Division of Crisis Stabilization and Adult Mental Health Services

SERVICE

UNIT OF COST

FEE

A. Adult Outpatient Mental Health Services

Assessment, Case Management, Treatment,
Therapy Services

Per Hour or Fraction
Thereof

\$ 84.00

B. Crisis Stabilization Services

1. Client Rates (Individual, Family, Couples)

Assessment, Crisis Intervention,
Treatment

Per Hour or Fraction
Thereof

\$ 84.00

2. Community Consultation, Crisis
debriefing

Per Hour or Fraction
Thereof Per Therapist

\$ 50.00

3. Charges to Non-County Agencies/
Practitioners

a. Back-up Telephone Clinical Crisis



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Office of Health and Human Services

Effective Date:

Intervention

Average 5 calls per week	Per Month – Flat Rate	\$250.00
Over 25 calls/month	Per Hour	\$ 50.00

b. Mobile Crisis Team Responses	Per Response	\$325.00
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c. Triage and Evaluation Beds	Per Day	\$225.00
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d. Back-Up Walk-In Clinical Crisis Intervention

Average 1 walk-in per month	Per Month – Flat Rate	\$350.00
Over 4 walk-ins/month	Per Hour	\$ 50.00

C. Community Support Services Programs

1. Assessment, Service Planning, Placement

Case Management[,] and Treatment	Per Hour or Fraction Thereof	\$ 84.00
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2. Targeted Case Management

Initial Assessment	Each	\$205.00
On-going Case Management	Per Month	\$205.00

D. Senior Out Reach Team

Assessment, Case Management, and Therapy Services	Per Visit	\$ 84.00]
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[02.42A.05.05 Division of Services for Victims and Their Families

<u>SERVICE</u>	<u>UNIT OF COST</u>	<u>FEE</u>
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A. Abused Persons Program

Abused Persons Shelter	Per Day	\$ 5.50
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Effective Date:

Individual Therapy	Per Visit	\$ 40.00
Group Therapy	Per Visit	\$ 20.00
Abused Persons Offenders Counseling	Per Visit	\$ 20.00
Transitional Housing Rental Fee	Per Night	\$ 5.00

B. Sexual Assault Services

Individual Therapy	Per Visit	\$ 40.00
Group Therapy	Per Visit	\$ 20.00
Community Consultation, Crisis Debrief	Per Hour or Fraction Thereof	\$ 50.00

C. Victim Advocate Program

Individual Therapy	Per Visit	\$ 40.00
Group Therapy	Per Visit	\$ 20.00
Community Consultation, Crisis Debrief	Per Hour or Fraction	\$ 50.00]

[02.42A.05.06 Ability to Pay Schedule]

The Maryland State Department of Health [and Mental Hygiene] periodically issues an Ability to Pay Schedule for Clinic and Outpatient Services in accordance with its responsibilities under Section 16-201, Health-General Article, Annotated Code of Maryland. The amount of the authorized service fee to be paid by a client is determined by referring to the Ability to Pay Schedule. [A copy of the Ability to Pay Schedule can be found in the office of the Director, Department of Addiction, Victim, and Mental Health Services.] No client is denied services due to inability to pay.

Approved:



Marc Elrich, County Executive

2/23/21
Date



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Office of Health and Human Services

Effective Date:

Approved as to form and legality:


Office of the County Attorney

2/10/21

Date

EFFECTIVE DATE: July 1, 2020		MARYLAND DEPARTMENT OF HEALTH ABILITY TO PAY SCHEDULE OUTPATIENT SERVICES FY2021									
GROSS ANNUAL INCOME		NUMBER OF FAMILY MEMBERS									
BOTTOM	TOP	1	2	3	4	5	6	7	8	9	10
ELIGIBLE FOR MEDICAL ASSISTANCE											
6,611	6,610	\$5									
6,731	6,730	\$5	\$5								
7,631	7,630	\$5	\$5	\$5							
8,311	8,310	\$5	\$5	\$5	\$5						
8,863	9,486	\$5	\$5	\$5	\$5	\$5					
9,487	10,350	\$5	\$5	\$5	\$5	\$5	\$5				
10,351	11,118	\$5	\$5	\$5	\$5	\$5	\$5	\$5			
11,119	11,798	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5		
11,799	11,978	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	
11,979	12,760	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
12,761	14,488	5%	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
14,489	17,240	10%	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
17,241	17,992	15%	5%	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
17,993	19,094	20%	10%	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
19,095	21,720	25%	15%	\$5	\$5	\$5	\$5	\$5	\$5	\$5	\$5
21,721	23,107	30%	20%	10%	\$5	\$5	\$5	\$5	\$5	\$5	\$5
23,108	26,200	35%	25%	15%	\$5	\$5	\$5	\$5	\$5	\$5	\$5
26,201	27,010	40%	30%	20%	10%	\$5	\$5	\$5	\$5	\$5	\$5
27,011	30,680	50%	35%	25%	15%	\$5	\$5	\$5	\$5	\$5	\$5
30,681	31,284	60%	40%	30%	20%	10%	\$5	\$5	\$5	\$5	\$5
31,285	35,160	70%	45%	35%	25%	15%	\$5	\$5	\$5	\$5	\$5
35,161	35,930	80%	50%	40%	30%	20%	10%	\$5	\$5	\$5	\$5
35,931	39,640	90%	55%	45%	35%	25%	15%	\$5	\$5	\$5	\$5
39,641	42,275	100%	60%	50%	40%	30%	20%	10%	\$5	\$5	\$5
42,276	44,120	100%	70%	55%	45%	35%	25%	15%	\$5	\$5	\$5
44,121	44,195	100%	80%	60%	50%	40%	30%	20%	10%	\$5	\$5
44,196	48,600	100%	90%	65%	55%	45%	35%	25%	15%	\$5	\$5
48,601	49,745	100%	100%	70%	60%	50%	40%	30%	20%	10%	\$5
49,746	53,080	100%	100%	75%	65%	55%	45%	35%	25%	15%	\$5
53,081	53,200	100%	100%	80%	70%	60%	50%	40%	30%	20%	10%
53,201	55,710	100%	100%	90%	75%	65%	55%	45%	35%	25%	15%
55,711	58,875	100%	100%	100%	80%	70%	60%	50%	40%	30%	20%
58,876	61,600	100%	100%	100%	85%	75%	65%	55%	45%	35%	25%
61,601	63,470	100%	100%	100%	90%	80%	70%	60%	50%	40%	30%
63,471	65,890	100%	100%	100%	100%	90%	80%	65%	55%	45%	35%
65,891	67,760	100%	100%	100%	100%	100%	90%	70%	60%	50%	40%
67,761	69,925	100%	100%	100%	100%	100%	100%	80%	65%	55%	45%
69,926	71,795	100%	100%	100%	100%	100%	100%	90%	70%	60%	50%
71,796	73,665	100%	100%	100%	100%	100%	100%	95%	75%	65%	55%
73,666	75,535	100%	100%	100%	100%	100%	100%	100%	80%	70%	60%
75,536	77,405	100%	100%	100%	100%	100%	100%	100%	85%	75%	65%
77,406	80,753	100%	100%	100%	100%	100%	100%	100%	90%	80%	70%
80,754	82,623	100%	100%	100%	100%	100%	100%	100%	95%	85%	75%
82,624	84,493	100%	100%	100%	100%	100%	100%	100%	100%	90%	80%
84,494	86,363	100%	100%	100%	100%	100%	100%	100%	100%	95%	85%
86,364	88,233	100%	100%	100%	100%	100%	100%	100%	100%	100%	90%
88,234	89,025	100%	100%	100%	100%	100%	100%	100%	100%	100%	95%
89,026	90,895	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
90,896	92,765	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
92,766	94,635	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
94,636	96,505	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
ESTIMATED 250% OF POVERTY											
ESTIMATED 185% OF POVERTY LINE (Clients with income above this line are possibly eligible for W.I.C. and or other financial assistance)											

(Clients with income above this line should have a Medical Assistance card. If not, instruct them to go to Social Services to apply).

100% OF POVERTY LINE

116% OF POVERTY LINE FOR MEDICAID PARENTS

THE MINIMUM CHARGE FOR INDIVIDUALS WITH INCOMES LESS THAN 100% OF POVERTY WILL BE \$5.00, EXCEPT																			
INDIVIDUALS WITH INCOMES BELOW THE FEDERAL POVERTY LINE MAY NOT BE ASSESSED A										Family Size	100% of	116% of	185% of	250% of					
FEE FOR FAMILY PLANNING SERVICES AND RYAN WHITE.											Poverty	Poverty	Poverty	Poverty					
										1	12,760	14,802	23,606	31,900					
										2	17,240	19,998	31,894	43,100					
THE MINIMUM CHARGE FOR INDIVIDUALS WITH INCOMES MORE THAN 100% OF POVERTY WILL BE \$8.00										3	21,720	25,195	40,182	54,300					
										4	26,200	30,392	48,470	65,500					
NO ONE WILL BE DENIED SERVICE DUE TO INABILITY TO PAY.										5	30,680	35,589	56,758	76,700					
										6	35,160	40,786	65,046	87,900					
THE FEE AS DETERMINED BY THIS ABILITY-TO-PAY SCALE SHALL BE THE PERCENTAGE APPLIED										7	39,640	45,982	73,334	99,100					
TO THE TOTAL COST OF THE SERVICES AS ESTABLISHED BY COST ACCOUNTING & REIMBURSEMENT										8	44,120	51,179	81,622	110,300					
										9	48,600	56,376	89,910	121,500					
DWI EDUCATION PROGRAMS APPROVED BY THE ALCOHOL AND DRUG ABUSE ADM. ARE NOT SUBJECT										10	53,080	61,573	98,198	132,700					
TO THE SLIDING FEE SCALE.																			
FY 2021 SCALE																			

Article II. Victim Advocate Program.

Sec. 32-24. Program established.

(a) This Section establishes the victim advocate program to assist and support victims of crime.

(b) The program is administered by:

- (1) the County Executive; or
- (2) a nonprofit community-based service agency.

(c) If the Executive contracts with a nonprofit community-based service agency, that agency must:

- (1) have a proven record in client service and advocacy; and
- (2) be able to work with the business community to obtain goods and services and financial donations. (1987 L.M.C., ch. 4, § 1; 1998 L.M.C., ch. 25, § 1.)

Sec. 32-25. Services available.

(a) The victim advocate program provides the following types of aid to a crime victim:

- (1) referral to community and governmental agencies that provide needed services;
- (2) assistance in negotiating complex governmental systems;
- (3) assistance in applying for compensation from the State Criminal Injuries Compensation Board, and in dealing with the Board's investigation and hearing process;
- (4) compensation for costs incurred by a victim who meets income limits set by regulation for court appearances, claim hearings, and medical (including mental health) treatment;
- (5) replacement of property lost as a result of a crime and needed for the well-being of the victim, such as eyeglasses, hearing aids, door, windows, or locks of a victim who meets income limits set by regulation; and
- (6) other services or financial assistance directly related to the effects of the crime on a victim who meets income limits set by regulation.

(b) (1) The victim advocate program may provide compensation to a victim under subsection (a)(4), replacement property under subsection (a)(5), and other financial assistance under subsection (a)(6) only to the extent that:

(A) compensation, replacement property, and other financial assistance are not available from insurance, the State victim compensation program, the Partnership Fund for victims of hate violence under Section 27-26, or any other source for the same purpose arising from the same criminal incident;

(B) the compensation, replacement property, and other financial assistance do not exceed an amount set by regulation; and

(C) appropriated funds are available.

(2) Regulations may set different limits for compensation, replacement property, or other financial assistance paid to a crime victim in connection with a single criminal incident.

(c) A victim must file a claim for compensation under subsection (a)(4) or for replacement of property under subsection (a)(5) within 90 days after the crime is reported. The program administrator may waive this deadline if the administrator determines that it was difficult or impossible for the victim to meet the deadline.

(d) A limit on compensation under this Section applies separately to each victim of a criminal incident. Compensation paid to an individual victim in connection with one criminal incident does not count toward the limit on compensation that the program may pay to the same individual in connection with a separate criminal incident.

(e) (1) A member of a victim's immediate family or household may receive compensation for mental health services (including services provided by the County) related to the crime. "Immediate family" means a parent, child, spouse, or sibling of the victim. The administrator may require reasonable proof that a relationship qualifies under this subsection.

(2) Compensation provided under this subsection is subject to the same requirements and limitations as compensation provided to a victim, except that compensation under this subsection must not exceed a percentage of the maximum compensation available (for any purpose) to any victim under regulations referred to in subsection (b). The percentage is:

(A) 20 percent, if the member of the family or household meets income limits that apply to a victim; or

(B) 10 percent, if an authorized person waives the income limit under subsection (f)(2).

(f) The Director of Health and Human Services or the Director's designee at or above the level of the program administrator may waive the income limits referred to in subsections (a)(4), (5), and (6) and (e)(2):

(1) if the Director or designee determines that the costs of the crime are likely to reduce the victim's income below the income limits in the future; or

(2) for up to 10 percent of the maximum compensation (for any purpose) otherwise available to a victim, if the Director or designee determines that a waiver would promote the purposes of the Victim Advocate Program. (1987 L.M.C., ch. 4, § 1; 1998 L.M.C., ch. 25, § 1; [2005 L.M.C., ch. 24, § 1.](#))

Sec. 32-26. Duties of program administrator.

The program administrator must:

- (a) coordinate services available to a victim;
- (b) follow up on services provided to a victim;
- (c) solicit goods, services, and financial donations to assist in the replacement or repair of property of a victim damaged as a result of a crime;
- (d) make the program more effective by keeping program data and identifying additional services;
- (e) develop and maintain effective coordination and communication with community and government agencies that provide services to crime victims; and

(f) provide information to crime victims and the general public about the compensation and services available through the program. (1987 L.M.C., ch. 4, § 1; 1998 L.M.C., ch. 25, § 1.)

Sec. 32-27. Eligibility.

(a) An individual is eligible for compensation or services under this Article if the individual was a victim of a crime committed in Montgomery County that was reported to an appropriate law enforcement agency within 48 hours after the crime occurred or was discovered. The program administrator may waive this deadline if the administrator determines that it was difficult or impossible to meet this deadline.

(b) A resident of the County who was a victim of a crime committed outside the County is eligible for

- (1) services under this Article to the extent that appropriate services are available; and
- (2) compensation or property replacement under subsections 32-25(a)(4), (5) if comparable assistance is not available from the jurisdiction where the crime occurred. (1987 L.M.C., ch. 4, § 1; 1998 L.M.C., ch. 25, § 1.)

Sec. 32-28. Crime Victim Compensation Fund.

(a) There is a Crime Victim Compensation Fund to compensate victims of crime and provide other financial assistance and services to crime victims.

(b) The Fund receives appropriated funds from the County and may receive funds contributed by a private person, other government agency, or any other source. The County should appropriate additional funds to match every \$1 of private contributions with \$2 of County funds. Unused amounts in the Fund at the end of a fiscal year remain available in the Fund for the next fiscal year unless otherwise appropriated.

(c) The program administrator must use funds from the Fund to pay compensation and other financial assistance to victims under this Article, and may use up to 10 percent of the Fund to publicize the Fund and solicit private contributions. (1998 L.M.C., ch. 25, § 1.)

Sec. 32-29. Penalty.

Any person who makes a false claim under this Article:

- (a) has committed a Class A violation; and
- (b) must reimburse the Crime Victim Compensation Fund for any payments from the Fund that were based on the false claim. (1998 L.M.C., ch. 25, § 1.)

Sec. 32-30. Regulations.

The County Executive must adopt regulations under method (2) to implement this Article. (1987 L.M.C., ch. 4, § 1; 1998 L.M.C., ch. 25, § 1.)

Note-Formerly, § 33-28.