

SB0384/333922/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 384
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after “information” insert “on a certain form and”; in line 11, after “thereafter;” insert “requiring that a certain form developed by the Maryland Department of Health include a certain checkbox;”; and strike beginning with “requiring” in line 12 down through “Health;” in line 14 and substitute “requiring the Maryland Department of Labor and the Maryland Department of Health to submit certain reports to certain committees of the General Assembly on or before a certain date;”.

AMENDMENT NO. 2

On page 4, in line 16, strike “**EMPLOYMENT**” and substitute “USE”; and in line 17, strike “**EMPLOYED**”.

On page 5, in line 4, after “**DEPARTMENT,**” insert “ON A FORM DEVELOPED BY THE DEPARTMENT AND”; after line 13, insert:

“(3) A FORM DEVELOPED BY THE DEPARTMENT FOR USE UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A CHECKBOX BY WHICH A RESIDENTIAL SERVICE AGENCY THAT RECEIVES MEDICAID REIMBURSEMENT FOR THE PROVISION OF HOME CARE OR SIMILAR SERVICES BY A PERSONAL CARE AIDE SHALL INDICATE WHETHER THE RESIDENTIAL SERVICE AGENCY USES PERSONAL CARE AIDES DESIGNATED AS INDEPENDENT CONTRACTORS.”;

strike in their entirety lines 14 through 20, inclusive, and substitute:

(Over)

SB0384/333922/1 Health and Government Operations Committee
Amendments to SB 384
Page 2 of 2

“SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1, 2021, the following reports shall be submitted to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article:

(1) the Maryland Department of Labor shall report on the strategies undertaken by the Commissioner of Labor and Industry to educate residential service agencies, as well as workers, on understanding the laws governing the classification of independent contractors and employees, including the different tests used by State agencies in determining whether a worker is an independent contractor or an employee; and

(2) the Maryland Department of Health shall report on the steps taken to bring the rates for personal care aides in-line with the cost of delivering services as shown inadequate in the report issued by the Maryland Department of Health in accordance with Chapter 798 of 2018 and on turnover of personal care aides under the Maryland Medical Assistance Program.”;

in line 21, strike “2.” and substitute “3.”; and in line 22, strike “October” and substitute “July”.