

SENATE BILL 432

Unofficial Copy
J1

2001 Regular Session
(11r1985)

ENROLLED BILL
-- Finance/Appropriations --

Introduced by **Senators Middleton, Van Hollen, Kasemeyer, Lawlah, Madden, Dyson, Colburn, Collins, Conway, DeGrange, Della, Dorman, Forehand, Frosh, Green, Hafer, Haines, Harris, Hoffman, Hogan, Hollinger, Hooper, Jacobs, Jimeno, Kelley, McCabe, McFadden, Mitchell, Mooney, Munson, Neall, Roesser, Ruben, Sfikas, Stone, and Teitelbaum**

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 109

1 AN ACT concerning

2 ~~**Developmental Disabilities - Community Supports - Reimbursement Rate**~~
3 ~~**Community Providers - Developmentally Disabled Individuals - Rate**~~
4 **Increase**

5 FOR the purpose of requiring the Department of Health and Mental Hygiene to
6 increase the rate of reimbursement paid to community providers of services to
7 developmentally disabled individuals ~~with developmental disabilities~~ in a
8 manner that reduces a certain disparity amount by certain percentages
9 beginning on a certain date; requiring the Department to determine by a certain
10 date, a certain disparity amount using certain data and information and to
11 determine the amount of annual rate increases necessary to eliminate a certain
12 disparity amount in a certain manner; requiring the Department to adopt
13 certain regulations; requiring that certain rate increases be used in a certain

1 manner; providing for the construction of this Act; defining certain terms; and
 2 generally relating to community providers of services to developmentally
 3 disabled individuals ~~with disabilities~~ and rate increases.

4 BY adding to
 5 Article - Health - General
 6 Section 7-307
 7 Annotated Code of Maryland
 8 (2000 Replacement Volume)

9 Preamble

10 WHEREAS, The State of Maryland has a responsibility to ensure that the
 11 community-based services provided to individuals with developmental disabilities
 12 are of high quality and comply with all regulations; and

13 WHEREAS, The General Assembly is concerned that the reimbursement rates
 14 for community providers of services to individuals with developmental disabilities are
 15 insufficient to adequately compensate community direct service workers; and

16 WHEREAS, The inadequacy of the reimbursement rates for community
 17 providers of services to individuals with developmental disabilities results in a wage
 18 disparity between community direct service workers and State employees in
 19 comparable positions in State residential facilities; and

20 WHEREAS, The inadequacy of the reimbursement rates for community
 21 providers of services to individuals with developmental disabilities has been ongoing
 22 and unresolved for many years and there is a need to address the issue in a
 23 comprehensive, equitable, and objective manner; now, therefore,

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

26 **Article - Health - General**

27 7-307.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 29 INDICATED.

30 (2) "COMMUNITY PROVIDER" MEANS A COMMUNITY-BASED AGENCY OR
 31 PROGRAM FUNDED BY THE ADMINISTRATION TO SERVE INDIVIDUALS WITH
 32 DEVELOPMENTAL DISABILITIES.

33 (3) "COMMUNITY DIRECT SERVICE WORKER" MEANS AN EMPLOYEE OF A
 34 COMMUNITY PROVIDER THAT PROVIDES ~~SUPPORT~~ TREATMENT OR SERVICES TO
 35 ~~INDIVIDUALS WITH DISABILITIES~~ DEVELOPMENTALLY DISABLED INDIVIDUALS.

1 (4) "DISPARITY AMOUNT" MEANS THE MONETARY CALCULATION OF THE
 2 AVERAGE DIFFERENCE IN WAGES AND BENEFITS BETWEEN COMMUNITY DIRECT
 3 SERVICE WORKERS, AND DEVELOPMENTAL DISABILITIES ASSOCIATES, OR OTHER
 4 COMPARABLE ~~POSITIONS EMPLOYED~~ EMPLOYEES IN STATE RESIDENTIAL CENTERS.

5 (5) "RATE" MEANS THE REIMBURSEMENT RATE PAID BY THE
 6 DEPARTMENT TO A COMMUNITY PROVIDER FROM THE STATE GENERAL FUND,
 7 MARYLAND MEDICAL ASSISTANCE PROGRAM FUNDS, OTHER STATE OR FEDERAL
 8 FUNDS, OR A COMBINATION OF FUNDS.

9 (B) NOTWITHSTANDING THE PROVISIONS OF THIS TITLE, THE DEPARTMENT
 10 SHALL REIMBURSE COMMUNITY PROVIDERS AS PROVIDED IN THIS SECTION.

11 (C) (1) ON OR BEFORE ~~JULY~~ SEPTEMBER 1, 2001, THE DEPARTMENT SHALL
 12 DETERMINE:

13 (I) THE DISPARITY AMOUNT; AND

14 (II) THE AMOUNT OF ANNUAL INCREASE IN THE RATE OF
 15 REIMBURSEMENT TO COMMUNITY PROVIDERS NECESSARY TO REDUCE AND
 16 ELIMINATE THE DISPARITY AMOUNT AS REQUIRED UNDER SUBSECTION (D) OF THIS
 17 SECTION.

18 (2) THE DEPARTMENT SHALL DETERMINE THE DISPARITY AMOUNT
 19 USING DATA AND INFORMATION FROM:

20 (I) THE COMMUNITY SERVICES RATE REIMBURSEMENT
 21 COMMISSION; AND

22 (II) REPORTS REQUIRED TO BE PROVIDED TO THE GENERAL
 23 ASSEMBLY BY THE DEPARTMENT.

24 (D) THE DEPARTMENT SHALL INCREASE THE RATE OF REIMBURSEMENT FOR
 25 COMMUNITY SERVICES PROVIDERS BY AN AMOUNT THAT:

26 (1) REDUCES THE DISPARITY AMOUNT TO 40% ~~80%~~ 80% ON OR BEFORE JULY
 27 1, ~~2003~~ 2002;

28 (2) REDUCES THE DISPARITY AMOUNT TO ~~20%~~ 60% ON OR BEFORE JULY
 29 1, ~~2004~~ 2003; ~~AND~~

30 ~~(3) ELIMINATES THE DISPARITY AMOUNT ON OR BEFORE JULY 1, 2005.~~

31 ~~(3) REDUCES THE DISPARITY AMOUNT TO 40% ON OR BEFORE JULY 1,~~
 32 2004;

33 ~~(4) REDUCES THE DISPARITY AMOUNT TO 20% ON OR BEFORE JULY 1,~~
 34 2005; ~~AND~~

35 (5) ELIMINATES THE DISPARITY AMOUNT ON OR BEFORE JULY 1, 2006.

1 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS
2 SECTION.

3 (F) ALL INCREASES IN THE RATE OF REIMBURSEMENT PROVIDED FOR IN THIS
4 SECTION SHALL BE USED TO INCREASE THE COMPENSATION OF COMMUNITY
5 DIRECT SERVICE WORKERS.

6 ~~(F)~~ (G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE
7 DEPARTMENT FROM ELIMINATING THE DISPARITY AMOUNT PRIOR TO JULY 1, ~~2005~~
8 2006.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 June 1, 2001.