

SB0181/217978/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 181  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, strike “under certain circumstances” and substitute “subject to certain conditions”; and in line 17, after “nonmembers;” insert “requiring an exclusive representative, if a memorandum of understanding contains a certain service fee provision, to provide notice of the service fee provision to independent home care providers before a certain vote is held;”.

AMENDMENT NO. 2

On page 2, in line 19, after “ARE” insert “DIRECTLY”; in the same line, after “REIMBURSED” insert “BY THE STATE OR A FISCAL INTERMEDIARY FUNCTIONING ON BEHALF OF THE STATE, AND NOT BY AN AGENCY OR BUSINESS THAT EMPLOYS EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS HOME CARE PROVIDERS,”; in lines 23 and 27, in each instance, after “TITLE” insert “, OR ANY SUCCESSOR PROGRAM”; in line 28, after “PROGRAM” insert “, OR ANY SUCCESSOR PROGRAM”; in line 29, after “RESOURCES” insert “, OR ANY SUCCESSOR PROGRAM”; in the same line, strike “AND”; in line 30, after “EMPLOYED” insert “OR REFERRED”; in the same line, strike “A PRIVATE” and substitute “AN”; in the same line, after “AGENCY” insert “OR BUSINESS”; in the same line, after “EMPLOYS” insert “EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS”; and in line 31, after “PROVIDERS” insert “;”

**(3) CONTRACTS DIRECTLY WITH A PROGRAM PARTICIPANT FOR HOME CARE SERVICES; AND**

(Over)

(4) PROVIDES HOME CARE SERVICES TO A PROGRAM PARTICIPANT PERSONALLY AND DOES NOT SUBCONTRACT WITH ANY OTHER PARTY TO PROVIDE THE SERVICES TO A PROGRAM PARTICIPANT".

On page 3, in line 1, after "(C)" insert "(1)"; in lines 2 and 3, strike "(1)" and "(2)", respectively, and substitute "(I)" and "(II)", respectively; and after line 4, insert:

"(2) "PROVIDER ORGANIZATION" DOES NOT INCLUDE AN AGENCY OR BUSINESS THAT EMPLOYS EMPLOYEES OR REFERS INDEPENDENT CONTRACTORS AS HOME CARE PROVIDERS."

AMENDMENT NO. 3

On page 4, in line 29, strike "SUBPARAGRAPH (II)" and substitute "SUBPARAGRAPHS (II) AND (III)".

On page 5, after line 6, insert:

"(III) THE REPRESENTATIVES OF THE STATE MAY ONLY AGREE TO A SERVICE FEE PROVISION IF THE SERVICE FEE PROVISION WOULD REQUIRE NONMEMBERS TO PAY SERVICE FEES ON A SLIDING SCALE IN APPROXIMATE PROPORTION TO THE AMOUNT EACH NONMEMBER RECEIVES IN REIMBURSEMENT THROUGH:

1. THE MEDICAID WAIVER FOR OLDER ADULTS THAT IS JOINTLY ADMINISTERED BY THE DEPARTMENT AND THE DEPARTMENT OF AGING AS ESTABLISHED UNDER § 15-132 OF THIS TITLE, OR ANY SUCCESSOR PROGRAM;

2. THE MEDICAID PERSONAL CARE PROGRAM UNDER THE STATE MEDICAL ASSISTANCE PROGRAM, OR ANY SUCCESSOR PROGRAM;

3. THE LIVING AT HOME WAIVER PROGRAM UNDER SUBTITLE 8 OF THIS TITLE, OR ANY SUCCESSOR PROGRAM; AND

4. THE IN-HOME AIDE SERVICE PROGRAM ADMINISTERED BY THE DEPARTMENT OF HUMAN RESOURCES, OR ANY SUCCESSOR PROGRAM.”;

in line 27, after “(G)” insert “(1)”; and after line 29, insert:

“(2) IF THE MEMORANDUM OF UNDERSTANDING CONTAINS A SERVICE FEE PROVISION, BEFORE THE VOTE TO RATIFY THE MEMORANDUM OF UNDERSTANDING IS HELD, THE EXCLUSIVE REPRESENTATIVE SHALL PROVIDE NOTICE THAT THE MEMORANDUM OF UNDERSTANDING CONTAINS A PROVISION FOR A SERVICE FEE THAT WILL BE CHARGED ON A SLIDING SCALE TO INDEPENDENT HOME CARE PROVIDERS.”.

AMENDMENT NO. 4

On page 6, in line 34, strike “Economic Matters” and substitute “Appropriations”.