

# SENATE BILL 600

J3

(2lr2050)

## ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senators Kelley, Augustine, Beidle, Klausmeier, and Kramer**

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 \_\_\_\_\_

1 AN ACT concerning

#### 2 **Health Facilities – Residential Service Agencies – Reporting Requirement**

3 FOR the purpose of requiring residential service agencies receiving Medicaid  
4 reimbursement for the provision of home care or similar services by personal care  
5 aides to report annually to the Maryland Department of Health certain information  
6 regarding the personal care aides; requiring the Department to use the reported  
7 information to create an annual ~~internal~~ report; and generally relating to residential  
8 service agencies and information regarding personal care aides.

9 BY adding to

- 10 Article – Health – General
- 11 Section 19–4A–11(c) and (d)
- 12 Annotated Code of Maryland
- 13 (2019 Replacement Volume and 2021 Supplement)

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



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

**Article – Health – General**

19–4A–11.

(C) ON OR BEFORE OCTOBER 1 EACH YEAR, EACH RESIDENTIAL SERVICE AGENCY RECEIVING MEDICAID REIMBURSEMENT FOR THE PROVISION OF HOME CARE OR SIMILAR SERVICES BY A PERSONAL CARE AIDE SHALL REPORT TO THE DEPARTMENT, ON A FORM OR IN AN ELECTRONIC MANNER DEVELOPED BY THE DEPARTMENT, THE NUMBER OF PERSONAL CARE AIDES CLASSIFIED BY THE RESIDENTIAL SERVICE AGENCY AS:

(1) EMPLOYEES; AND

(2) INDEPENDENT CONTRACTORS ~~THE FOLLOWING:~~

~~(1) THE PERSONAL CARE AIDE'S HOURLY PAY RATE; AND~~

~~(2) WHETHER THE RESIDENTIAL SERVICE AGENCY HAS CLASSIFIED THE PERSONAL CARE AIDE AS AN EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR;~~

~~(3) WHETHER THE PERSONAL CARE AIDE HAS HEALTH INSURANCE THROUGH THE RESIDENTIAL SERVICE AGENCY;~~

~~(4) WHETHER THE PERSONAL CARE AIDE IS COVERED BY A WORKERS' COMPENSATION POLICY THROUGH THE RESIDENTIAL SERVICE AGENCY; AND~~

~~(5) WHETHER THE RESIDENTIAL SERVICE AGENCY PROVIDES THE PERSONAL CARE AIDE WITH EARNED SICK AND SAFE LEAVE UNDER THE MARYLAND HEALTHY WORKING FAMILIES ACT.~~

(D) (1) ON OR BEFORE JULY 1 EACH YEAR, THE DEPARTMENT SHALL USE THE INFORMATION REPORTED UNDER SUBSECTION (C) OF THIS SECTION TO CREATE AN INTERNAL A REPORT CONCERNING:

(i) MEDICAID REIMBURSEMENT RATES;

(ii) THE COST OF DELIVERING SERVICES; AND

(iii) AGGREGATED WAGES AND EMPLOYMENT CLASSIFICATIONS OF INDIVIDUALS WHO PROVIDE PERSONAL CARE.

1                   **(2) DATA INCLUDED IN THE ~~INTERNAL~~ REPORT UNDER THIS**  
2 **SUBSECTION:**

3                   **(I) MAY ONLY BE IN AGGREGATE; AND**

4                   **(II) MAY NOT IDENTIFY A SPECIFIC RESIDENTIAL SERVICE**  
5 **AGENCY.**

6                   **(3) THE DEPARTMENT SHALL SUBMIT EACH REPORT CREATED UNDER**  
7 **PARAGRAPH (1) OF THIS SUBSECTION TO THE SENATE FINANCE COMMITTEE AND**  
8 **THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN ACCORDANCE**  
9 **WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11   October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.