

**SB230\_Marylanders for Patient Rights\_fav.pdf**

Uploaded by: Anna Palmisano

Position: FAV

## *Marylanders for Patient Rights*

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### **MARYLANDERS FOR PATIENT RIGHTS REQUESTS A FAVORABLE REPORT ON SB230 Residential Service Agencies – Employee Registry**

Marylanders for Patient Rights is a leading advocacy group for patients in our state. We strongly believe that SB230 is vitally important to the health and well-being of patients and their caregivers, and we urge you to provide a favorable report.

The number of trained home care workers is decreasing as the need for assistance increases in our aging population. The over 60 population is projected to increase by 40% between 2015 to 2030, yet we lack a clear idea of the number of trained home health care workers that are available in Maryland. I was especially alarmed to learn that Maryland's Medicaid wait list for home care and community services exceeds 31,000 people, with Maryland having the third longest wait list in the country.

Establishment of a Registry of home health care workers will help to address this urgent problem. It will allow Maryland to assess and manage the growing need for well-trained home care workers, as well as increasing transparency for patients, Residential Service Agencies (RSA), and state agencies.

The Registry will include data that are basic and easy to provide by the RSAs: employee name and identification, job title, gender, address, employer, and completed training or certifications. The provision of these data by the RSAs will only require a modest amount of time, yet it will yield vital information to the Maryland Department of Health for data-driven policy development.

An Employee Registry home health care workers is a fundamental and urgent need for Maryland. Please provide a favorable report on SB230, and support Maryland caregivers and their patients.

Thank you,

*A C Palmisano*

Anna C. Palmisano, Ph.D, Director  
Marylanders for Patient Rights  
palmscience@verizon.net

# **SB 230 - Residential Service Agencies - Employee R**

Uploaded by: Donna Edwards

Position: FAV



# MARYLAND STATE & D.C. AFL-CIO

AFFILIATED WITH NATIONAL AFL-CIO

7 School Street • Annapolis, Maryland 21401-2096

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*President*

Donna S. Edwards

*Secretary-Treasurer*

Gerald W. Jackson

**SB 230 - Residential Service Agencies - Employee Registry  
Senate Finance Committee  
February 9, 2023**

**SUPPORT**

**Donna S. Edwards  
President**

**Maryland State and DC AFL-CIO**

Madame Chair and members of the Committee, thank you for the opportunity to submit testimony in support of SB 230. My name is Donna S. Edwards, and I am the President of the Maryland State and District of Columbia AFL-CIO. On behalf of Maryland's 300,000 union members, I offer the following comments.

SB 230 requires the Maryland Department of Health to create registries of each residential service agency operating in the state. It also requires residential service agencies to submit lists of their employees to the state registry and allow labor organizations to access that information upon request.

The home health care industry is disorganized, the rate at which new companies are created, or reorganized, and others dissolved makes it impossible to keep accurate track of businesses compliance with laws and regulations. The state claims there are 1,874 residential service agencies licensed with the state. By requiring a state maintained list of residential service agencies and their employees, consumers will have more confidence in the companies that they are engaging. The Fiscal and Policy Note states that residential service agencies have an abysmal 35% compliance rate with their already required reporting to the Office of Health Care Quality. If an agency failed to submit their report they can be issued a statement of deficiency that allows the Office of Health Care Quality to work with them on a plan for corrections. Such actions can help professionalize and raise standards in this industry that serves our most vulnerable residents but often leaves patients and workers behind.

Requiring residential service agencies to list their employees disincentivizes worker misclassification. The employee registry allows home health care workers to exercise their constitutional freedom to form or join a union by granting labor organizations access to the registry.

We urge the committee to issue a favorable report for SB 230.

**SB230\_FAV\_AlzheimersAssociationMD.pdf**

Uploaded by: Eric Colchamiro

Position: FAV

Testimony of the Alzheimer's Association Greater Maryland and National Capital Area Chapters  
**SB 230 - Residential Service Agencies - Employee Registry**  
Position: Favorable

Chair Griffith and Vice Chair Klausmeier,

The Alzheimer's Association – representing the over 110,000 Marylanders with Alzheimer's and other forms of dementia, along with their caregivers – is here today in support of Senate Bill 230, which requires the Maryland Department of Health to establish and maintain a registry of each employee of a residential service agency who provides home health care; requires each residential service agency to submit certain information to the Department; and requires the Department to disclose certain information to a labor union or similar employee organization on request.

Alzheimer's, the most common form of dementia, is a disease that gets progressively worse over time. It is typically characterized by three stages. In the early stage, symptoms include trouble with planning, coming up with the right word or name, or having difficulty performing tasks at work or in social settings. In the moderate stage, people with dementia can start to withdraw, or often feel moody. They have trouble getting dressed. And as it progresses to the late stage, people can have difficulty communicating and eating, and require around the clock care. It becomes an extraordinary challenge for dementia caregivers, which wears on their mental and physical health. And at some point, frankly, it becomes too much for just them – and they require a home health aide to assist with their loved ones.

The Home Care industry, also known as residential service agencies (or RSAs), is vital for Maryland. There are also a lot of them; as of July 1, 2021, OHCQ reports that there are 1605 licensed RSAs in our state which help some of our most vulnerable, including those with Alzheimer's and other dementia. Yet unlike assisted living facilities and unlike skilled nursing facilities—who help our seniors in need—RSAs are no longer required to have an annual inspection. OHCQ only truly ensures quality about these providers when they open up, or when someone makes the time to complain about them. There are limited other mechanisms to ensure the quality of the care they provide, or how they treat their workforce, who provides essential care.

Let us change that, and help our most vulnerable Marylanders. I ask for a favorable report.

**SB 230\_MD Center on Economic Policy\_FAV.pdf**

Uploaded by: Kali Schumitz

Position: FAV

# State Needs High-Quality Data to Meet Marylanders' Home Care Needs

## Position Statement in Support of Senate Bill 230

*Given before the Senate Finance Committee*

Home care workers are a vital part of the social infrastructure that keeps Maryland going. These workers provide essential services to aging Marylanders and Marylanders with disabilities. They provide long-term care in the community, rather than in residential facilities, which brings many documented benefits. But today we face a severe and growing labor shortage in the industry. The state's current system based on private home care agencies is an important contributor to this shortage, in part because the jobs the agencies offer do not provide competitive wages and working conditions. This system also produces fragmented and incomplete data, limiting the state's ability to accurately assess the state of the home care workforce. **The Maryland Center on Economic Policy supports Senate Bill 230** because it would systematize the state's data on the home care workforce, and help to strengthen that workforce in the long term.

**Maryland already has a serious shortage of home care workers.**<sup>i</sup> Without a significant influx of new workers into the industry, this shortage will only grow in coming years as our state's population continues to age. Maryland's 65+ population grew by 18% from 2015 to 2021, while the 20–64 population increased by only 0.2%. By 2030, our 65+ population is projected to grow by another 29% as the 20–64 population slightly declines.<sup>ii</sup> At this rate, we will be increasingly unable to meet the need for home care as time goes on.

**Policymakers cannot make good decisions without high-quality information.** Our current, fragmented home care system does not produce the kind of complete, systematic workforce data needed to manage Marylanders' growing home care needs effectively. We have made limited progress on this front recently, as lawmakers in 2022 enacted legislation requiring home care agencies to report to the state the number of workers they classify as employees and the number they classify as independent contractors. However, the bill that ultimately passed was significantly weaker than the one originally introduced, requiring only aggregate rather than individual data and omitting data related to wages and benefits. These job quality data are vital for state agencies, as the current home care labor shortage is due in large part to poor wages, benefits, and working conditions.

Simply put, we cannot secure a robust home care workforce if the industry does not offer decent jobs, and policymakers cannot assess either the state of the workforce or the impact of poor job quality without high-quality data. The data required under Senate Bill 230 would be a major step in the right direction.

The data requirements in Senate Bill 230 are designed to avoid undue burdens on either agencies or workers. All information the bill requires should already be present in agencies' human resources systems, meaning that they



do not need to collect any additional information. Furthermore, the bill includes privacy protections to ensure that workers are not required to disclose personal information if it would expose them to safety risks.

**For these reasons, the Maryland Center on Economic Policy respectfully requests that the Finance Committee make a favorable report on Senate Bill 230.**

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## Equity Impact Analysis: Senate Bill 230

### *Bill summary*

Senate Bill 230 would require the Maryland Department of Health to maintain a comprehensive registry of home care workers employed by residential service agencies, and would require agencies to provide these data.

The bill prohibits the collection of data on workers who have experienced domestic violence, rape, sexual assault, or stalking.

The bill requires the department to provide data to a labor union or similar employee organization on request.

### *Background*

Maryland currently has a significant shortage of home care workers.<sup>iii</sup> If current trends continue, this shortage is likely to grow in coming years as our state's population continues to age. Maryland's 65+ population grew by 18% from 2015 to 2021, while the 20–64 population increased by only 0.2%. By 2030, our 65+ population is projected to grow by another 29% as the 20–64 population slightly declines.<sup>iv</sup>

Poor wages, and working conditions are one important contributor to the home care labor shortage. As of 2021, a typical home care worker took home only \$14.08 per hour in 2021. For any workers misclassified as independent contractors, the resulting tax responsibilities make this equivalent to an employee wage of \$12.91 per hour.

### *Equity Implications*

The data required under Senate Bill 230 would strengthen the state's ability to meet Marylanders' growing home care needs. This is especially important for Marylanders with disabilities, who are a major population served by home care workers.

To the extent that policymakers use these data to improve wages, benefits, and working conditions, Senate Bill 230 will also benefit home care workers, a group that disproportionately includes workers who face structural barriers in our economy:

- 63% of home care workers in Maryland are Black, and 76% are workers of color.
- 80% of home care workers in Maryland are women, and 60% are women of color.
- 43% of home care workers in Maryland were born outside the United States.
- Home care workers in Maryland typically took home only \$14.08 per hour in 2021.<sup>v</sup> For a misclassified worker, this is equivalent to \$12.91 paid to an employee.

### *Impact*

Senate Bill 230 would likely **improve disability, racial, gender, and economic equity** in Maryland.

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- i “The Direct Services Workforce in Long-Term Services and Supports in Maryland and the District of Columbia,” PHI, 2018, <https://phinational.org/wp-content/uploads/2018/09/DSWorkers-Maryland-2018-PHI.pdf>
- ii MDCEP analysis of U.S. Census Bureau Population Estimates and Maryland Department of Planning population projections.
- iii “The Direct Services Workforce in Long-Term Services and Supports in Maryland and the District of Columbia,” PHI, 2018, <https://phinational.org/wp-content/uploads/2018/09/DSWorkers-Maryland-2018-PHI.pdf>
- iv MDCEP analysis of U.S. Census Bureau Population Estimates and Maryland Department of Planning population projections.
- v Bureau of Labor Statistics, May 2021 Occupational Employment and Wage Statistics for Maryland

# **SB230 Employee Registry.pdf**

Uploaded by: Pamela Beidle

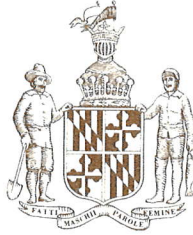
Position: FAV

PAMELA G. BEIDLE  
Legislative District 32  
Anne Arundel County

Finance Committee

*Vice Chair*

Executive Nominations Committee



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THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

February 9, 2023

**SB 230**  
**Residential Service Agencies – Employee Registry**

Good Afternoon, Chair Griffith, Vice Chair Klausmeier, and Members of Finance;

Thank you for the opportunity to present SB 230, Residential Service Agencies – Employee Registry. SB 230 establishes a homecare worker registry through the Department of Aging. It requires all residential service agencies to provide name, address, title, and training and certification of all individuals who work for the agency. Agencies will submit this information and it will be updates quarterly.

Over 30,000 individuals are currently waiting for home care services, we have the 3<sup>rd</sup> longest waitlist on the Medicaid Waiver for Home and Community Based Services. This highlights the rising need for home care services in the state. Maryland is facing a **care gap**: there is a projected need for 40% more homecare workers by 2024 however, we do not know what our existing workforce looks like. In order to address this care gap, the home care registry would collect the vital workforce data that our state agencies and policy makers will use to see that our workforce adequately meets the needs of Marylanders.

As Maryland's aging population grows by 40% by 2030, those who need home care services will continue to rise and have diverse needs such as Dementia, Alzheimer's, Developmental Disability, or Behavioral health challenges. From 2014 to 2024, Maryland will need nearly 40% more direct service workers.

My personal experience with family members who rely on home care services pushes me to advocate for our state to be at the forefront of supporting the home care work force so that families across the state can rest better knowing their loved ones are in good hands. Establishing a home care worker registry is one important step to address the care gap and build a strong care infrastructure in Maryland.

We do have some amendments to the bill that have been provided to the Committee, removing the lines 19 thru 24 on page 2 due to privacy reasons.

I respectfully request a favorable report on SB 230.

**SB 230 - PJC - FWA**

Uploaded by: David Rodwin

Position: FWA



David J. Rodwin, Attorney  
Public Justice Center  
201 North Charles Street, Suite 1200  
Baltimore, Maryland 21201  
410-625-9409, ext. 249  
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## SB 230: Residential Service Agencies – Employee Registry

Hearing of the Senate Finance Committee, February 9, 2023

### Position: Favorable with Sponsor Amendments

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Workplace Justice Project works to expand and enforce the right of low-wage workers to receive an honest day's pay for an honest day's work. The PJC **supports SB 230**, which would help address the lack of data and transparency in Maryland's home care workforce.

#### Maryland faces a home care workforce crisis.

- Home care workers provide services and supports to older adults and people with disabilities. Their work helps Marylanders stay independent in their homes and communities, rather than nursing homes.
- Demand for home care is increasing as Maryland becomes an older state and more people with disabilities receive care in their homes rather than nursing homes.
- A 2018 [study](#) found that Maryland will need 40 percent more care workers over the next ten years.<sup>1</sup>

#### Despite the workforce crisis, the importance of the work, and the fact that most of the work is funded by Medicaid, we lack adequate data and transparency about Maryland's home care workers.

- Most home care provided in Maryland is funded by Medicaid with a mix of state and federal money – but both policymakers and the public lack data and transparency about the workforce.
- It is very difficult for *consumers* to learn what trainings workers have completed and what licenses they have. This leaves consumers in the dark about the qualifications of the care workers they depend on to provide extraordinarily important and intimate work.
- The lack of a central repository of basic data *also* makes it difficult for policymakers to understand the size and nature of the workforce – even as we face a worsening workforce crisis.

#### SB 230 is a simple, common-sense way to improve data and transparency for Maryland home care.

- SB 230 will create a registry with basic information about Maryland's home care workforce.
- The sponsor amendments make clear that this registry would be available to the public, making it a modest but important step toward addressing the lack of data and transparency in Maryland home care.

For the foregoing reasons, the PJC **SUPPORTS SB 230** and urges a **FAVORABLE WITH AMENDMENTS** report. Should you have any questions, please call David Rodwin at 410-625-9409 ext. 249.

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<sup>1</sup> PHI, *The Direct Services Workforce in Long-Term Services and Supports in Maryland and the District of Columbia*, 2018, available at <http://phinational.org/resource/the-direct-services-workforce-in-ltss-in-md-and-dc/>.

*The Public Justice Center is a 501(c)(3) charitable organization and as such does not endorse or oppose any political party or candidate for elected office.*

**CAM testimony SB230\_edits\_Jeneva Stone.pdf**

Uploaded by: Jeneva Stone

Position: FWA

**SB230: Homecare Registry Testimony, 2/9/23 (Jeneva Stone)**  
**Position: Favorable with Amendments**

Dear Chair Griffith and members of the Finance committee:

My name is Jeneva Stone. I am an author, advocate, and mother. I am also a member of the Healthcare Workforce Crisis Taskforce. My son Rob Stone, artist and advocate, has disabilities and complex medical needs. He lives at home with the support of Medicaid waivers—he does not want to live in a facility.

As a health care consumer and advocate, a Homecare Registry appeals to me. I know there's a staffing crisis because we can't get subs for my son's home nurses through his RSA, and it's been difficult to find home care aides. But beyond that, I really don't know anything at all. Families like mine are simply left in the dark and we're becoming increasingly distraught. How will our loved ones stay in the community? How can our families function?

My dad worked for IBM. From him, I learned that lists and data are the cornerstone to getting anything done. I've been serving on the Workforce Data subgroup of the General Assembly's Healthcare Workforce Crisis Taskforce, and I know for a fact that there's just no good data on home care at all. My personal experience over the last two decades has led me to believe that home care has always been an afterthought in Maryland. It's time that changed.

With a homecare registry, the state would have data reports on workforce development, training needs, retention rates, and our ability to support our growing need for home care services. I want to know how many workers we have and what their training and qualifications are. I understand that this iteration of the registry may not be consumer-friendly, but it is the first step in gathering transparent data about our home care workforce.

For people with disabilities like Rob, life in the community is a civil right. I urge committee members to issue a favorable report on SB 230 to invest in and strengthen our care infrastructure with state oversight and data. It's time Maryland got serious about home care.



**SB 230.pdf**

Uploaded by: Loraine Arikat

Position: FWA



## Testimony: SB 230

### Position: Favorable with Sponsor Amendments

#### Residential Service Agencies – Employee Registry

Dear Chair Griffith and the members of the Finance committee:

My name is Ricarra Jones, and I am the Political Director of 1199SEIU United Healthcare Workers East. We are the largest healthcare workers union in the nation – representing 10,000 healthcare workers in long-term care facilities and hospitals across Maryland. We are proud members of the Caring Across Maryland coalition supporting SB 230 Homecare Worker Registry with sponsor amendments and we urge the Committee to issue a favorable report.

**Building a strong care infrastructure starts with addressing the care gap.** According to the Department of Aging, Maryland’s population of those aged 65 and older is estimated to increase by 40%. The projected need for home care workers is expected to increase by 33% with 74,000 openings by 2030<sup>1</sup>.

**SB 230** establishes a registry of all homecare workers employed by residential service agencies in the state. A homecare registry is a vital state oversight tool to know whether our home care workforce meets varying patient needs. It can help to strengthen the homecare work force by understanding training needs and retention trends in the state and most importantly, improve the care patients receive in their homes.

We are favorable to this bill with the following sponsor **amendments**:

- The registry must be available to the public.
- Ensure that this bill does not exclude workers hired by residential service agencies that are independent contractors.
- Ensure that this bill applies to residential services agencies that provide personal care services not only home health care.
- Lastly, erase language about employees who are survivors of domestic violence, rape, or sexual assault since regulations includes protections for workers who do not want to provide their names.

**Caregiving is personal work and a gender and racial equity issue.** Home care or personal care aides provide essential support for individuals with long term conditions or disabilities in people’s homes providing assistance with personal care such as bathing, dressing, mobility, toilet care, and eating. Personal Care Aides also help patients with housekeeping, transportation, and social or employment activities outside the home. Both workers and the individuals requiring services are disproportionately

1. “Phi’s Workforce Data Center.” *PHI*, 24 Jan. 2023, <https://www.phinational.org/policy-research/workforce-data-center/#var=Employment+Projections&states=24>.

people of color. The care force is disproportionately women; disproportionately Black, Hispanic, and Asian American/Pacific Islander women; and in many cases immigrant women.

**A workforce registry specifically for home care aides providing personal care has multiple functionalities.** Tracks training needs and workforce development areas of growth. More than half of home care agencies lack defined career paths or educational resources to support the advancement of their staff which is key for worker recruitment and retention.

**Workforce registries are vital state oversight tool.** In Maryland, Howard County has created a home care registry which includes training and certification information so that patients are able to find a worker that best meets their needs in the county. Maryland's registry of licensed child care providers serves a similar role that can be replicated for home care workers. States such as Massachusetts and California have already implemented a home care worker registry which has allowed the state to adequately address the growing need for home care services with a well-supported homecare workforce.

The lack of a robust care infrastructure in the state leaves consumers struggling to find workers and maintain work relationships with them. Establishing a home care registry is the first step to adequately addressing Maryland's growing need for homecare workers. For those reasons and more, we urge a favorable report on SB 180.

In unity,

Ricarra Jones

Political Director

[Ricarra.jones@1199.org](mailto:Ricarra.jones@1199.org)

1. "Phi's Workforce Data Center." *PHI*, 24 Jan. 2023, <https://www.phinational.org/policy-research/workforce-data-center/#var=Employment+Projections&states=24>.

**SB 230 - WLCMD - FWA.pdf**

Uploaded by: Michelle Siri

Position: FWA

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BILL NO: Senate Bill 230  
TITLE: Residential Service Agencies – Employee Registry  
COMMITTEE: Finance  
HEARING DATE: February 9, 2023  
POSITION: **FAVORABLE WITH AMENDMENTS**

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Across our nation, and here in Maryland in particular, families are facing a crisis of care as our loved ones grow older and the number of folks employed within the care service industry grows smaller. Currently in Maryland there is a waitlist of over 31,000 individuals for homecare and community based services through Maryland's Medicaid program. However, due to antiquated systems and rapid changes within our populations, the state is unable to adequately determine the appropriate number of care workers needed, nor the specializations that are most in demand.

This is all particularly troubling as women continue to be disproportionately represented within the care service industry and simultaneously continue to perform most of the unpaid care for family members. The burdens and costs of this continuing crisis is felt the most by those who can afford it the least. SB230 seeks to follow the lead of other states that have created healthcare worker registries in an attempt to improve quality of care and ensure that there is a workforce of homecare workers able to meet the needs of a growing aging population in the state.

While the Women's Law Center is supportive of this goal and the implementation of a registry, it has raised concerns regarding carve-outs in the bill, as drafted, regarding survivors of domestic violence, rape, sexual assault, or stalking. (See P.2, Lines 19-24). This carve-out is not necessary to protect the privacy of survivors. It is our understanding that the sponsors have drafted and are introducing language to amend SB230 to remove that section entirely. With those changes, the WLC would support the legislation in its entirety.

As such, the Women's Law Center of Maryland respectfully supports SB230 but urges a favorable report with the amendments raised above.

**The Women's Law Center of Maryland is a non-profit legal services organization whose mission is to ensure the physical safety, economic security, and bodily autonomy of women in Maryland. Our mission is advanced through direct legal services, information and referral hotlines, and statewide advocacy.**

# **SB 230 Residential Service Agencies Employee Regi**

Uploaded by: Tammy Bresnahan

Position: FWA



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**SB 230 Residential Service Agencies - Employee Registry  
Senate Finance Committee  
Favorable with Amendments  
February 9, 2023**

Good afternoon Chair Griffith and members of the Senate Finance Committee. My name Tammy Bresnahan, Senior Director of Advocacy for AARP Maryland. AARP Maryland is a proud member of the Caring Across Maryland coalition supporting a package of bills to bolster quality of care in long term care settings. We would like to thank you for the opportunity to speak in support with sponsor amendments of SB 230 Residential Services Agencies—Employee Registry.

SB 230 requires the Maryland Department of Health to establish and maintain a registry of each employee of a residential service agency who provides personal care services and it also requires each residential service agency to submit information about that worker to the Department.

The care provided in long-term services and supports (LTSS) settings is only as good as the personnel who provide it. Workforce challenges are prevalent in the LTSS industry. They need to be addressed swiftly if the nation is to respond to the growing need for high-quality care. Lack of staff, inadequate training, and insufficient bilingual workers and workers sensitive to different cultures are all serious problems.

Having a competent direct service workforce will improve the quality of care and the quality of life for individuals who need LTSS. Government and providers of long-term services and supports (LTSS) use various approaches to promote service quality and protect consumers' rights. These include licensing and enforcement, strong ombudsman advocacy, accreditation, quality assurance, and other quality improvement initiatives. In addition, they can guarantee consumers' right to bring legal action.

AARP MD believes the state should establish and maintain a home care worker registry of all individuals currently employed by a home care agency and the training they have completed to meet the varying needs of Maryland's aging population.

The Registry will capture training and certifications of personal care workers employed by a residential service agency. This will help capture information if the workforce is adequately trained and supported to meet the varying and diverse needs of Marylanders who need home care services.

For these reasons, we ask the Committee for a favorable report on SB 230. If you have questions or comments, please contact Tammy Bresnahan at [tbresnahan@arp.org](mailto:tbresnahan@arp.org) or by calling 410-302-8451.



# **LeadingAge Maryland - 2023 - SB 230 - MDH employee**

Uploaded by: Aaron Greenfield

Position: UNF



576 Johnsville Road  
Sykesville, MD 21784

**TO:** Finance Committee  
**FROM:** LeadingAge Maryland  
**SUBJECT:** Senate Bill 230, Residential Service Agencies - Employee Registry  
**DATE:** February 9, 2023  
**POSITION:** Unfavorable

LeadingAge Maryland opposes Senate Bill 230, Residential Service Agencies - Employee Registry.

LeadingAge Maryland is a community of more than 140 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, public agencies, faith communities and others who care about aging in Maryland.

This bill requires the Maryland Department of Health (MDH) to establish and maintain a registry of each employee of a residential service agency (RSA) who provides home health care. RSAs must submit identifying information to MDH on a quarterly basis. Further, this bill requires MDH to disclose the registry to a labor union or similar employee organization on request.

LeadingAge Maryland opposes for the following reasons:

1. New Administrative Burden: Filing quarterly reports updating employee information through MDH will be a new administrative burden at a time RSAs least have the capacity.
2. Victim of Crime: Senate Bill 230 prohibits an RSA from collecting, maintaining or submitting information “regarding an employee” who has been the victim of specified crimes (page 2, line 16). This provision creates a “Catch-22.” The bill requires RSAs to report the required employee information but states that RSAs cannot collect, maintain or

submit information on an employee who is the victim of a specified crime. Theoretically, an RSA would need to inquire with the employee if he/she falls into the exception to determine whether to submit their name and information to the Department, a scenario that would surely violate privacy laws.

3. Violates Existing Law: Section 4-501 of the General Provisions Article of the Maryland Code prohibits a third party from collecting personal records unless it is appropriate and relevant to the purposes for which it is collected. Collection of this personal information to assist with unionizing RSAs is neither appropriate nor relevant.
4. Registry Access: SB 230 allows for registry access to employee unions. This provision is a transparent effort to unionize this segment of the workforce. LeadingAge Maryland has no objection to unions and the process behind unionization. However, we do not think the State should “tip the scales” and be a party to a non-public union campaign. Lastly, we question whether all employees of the State’s RSAs would want their identifying information in the hands of a third party.

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for Senate Bill 230.

For additional information, please contact Aaron J. Greenfield, 410.446.1992

**SB0230\_UNF\_LifeSpan, MNCHA\_Res. Service Agencies -**

Uploaded by: Danna Kauffman

Position: UNF



TO: The Honorable Melony Griffith, Chair  
Members, Senate Finance Committee  
The Honorable Pamela Beidle

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
Christine K. Krone  
410-244-7000

DATE: February 9, 2023

RE: **OPPOSE** – Senate Bill 230 – *Residential Service Agencies – Employee Registry*

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On behalf of the LifeSpan Network and the Maryland-National Capital Homecare Association, we respectfully **oppose** Senate Bill 230 for the following reasons.

First, Senate Bill 230 requires the Maryland Department of Health (MDH) to create a registry of each employee in a residential service agency (RSA). The registry must include personal identifying information of each employee, such as name, identification number, gender, and home mailing address. To be able to create this registry, an RSA must collect, maintain, and submit the information to MDH. This provision violates Section 4-501 of the General Provisions Article. This section states that personal records may only be collected if the need for the information has been clearly established by the unit collecting the record and then the information may only be collected from the person in interest.<sup>1</sup> Senate Bill 180 fails to clearly establish a need for the collection of this information nor is the information being collected from the person in interest.

Second, while MNCHA and LifeSpan appreciate the intent behind the RSA not collecting, maintaining, or submitting information on an employee who has been the victim of sexual assault, rape, domestic violence or stalking, this requirement creates a quagmire for the RSA. As stated above, the RSA must collect, maintain, and submit information on all employees. How is the RSA to know not to submit information on any given employee unless the RSA asks each employee if he/she has been a victim of sexual assault, rape, domestic violence or stalking, which would, at the very least, be a direct violation of employee privacy. If the employee did not respond to the RSA's inquiry and the RSA submitted the information and it became public, what then? Is the RSA in violation of this law?

Third, the provision stating that MDH must provide the personal information of employees, including their home address, to a labor union or other employee organization upon their request is wholly inappropriate.

For these reasons, we urge an unfavorable vote on Senate Bill 230.

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<sup>1</sup> "Personal record" means a record that names with reasonable certainty or otherwise identifies an individual by an identifying factor such as an address or number.

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## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Acting Secretary

February 9, 2023

The Honorable Senator Melony Griffith  
Chair, Senate Finance Committee  
3 East Miller Senate Office Building  
Annapolis, MD 21401-1991

### **RE: SB 230 – Residential Service Agencies – Employee Registry – Letter of Concern**

Dear Chair Griffith and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of concern for Senate Bill (SB) 230 – Residential Service Agencies – Employee Registry. SB 230 requires MDH to establish and maintain a registry of each employee of every Residential Service Agency (RSA). The bill requires an RSA that provides “home health care” to submit certain employee information to MDH. All RSAs provide home health care services per Md. Code Ann., Health General §19-4A-01(f)(1).

The Office of Health Care Quality (OHCQ) is the agency within MDH that is delegated the authority to license residential service agencies and conduct surveys to determine compliance with applicable State and federal law. There are currently 1,874 licensed RSAs in Maryland. Each licensed RSA may employ anywhere from one, to over a thousand, individuals.

Md. Code Ann., General Provisions Article §4-501(b)(1) states that a governmental unit may not create records containing personal information unless the need for the information has been clearly established by the governmental unit. The need for MDH to collect and maintain this information does not appear to have been established.

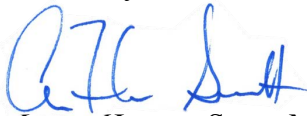
SB 230 requires that the data reported include each RSA employee’s full name, identification number, job title, gender, home and mailing address, and completed training or certifications. The employee’s identification number could be their social security number. This employee information must be maintained by the State using reasonable security procedures and practices to protect the personal identifiable information.

The establishment and maintenance of the proposed RSA registry will require five additional administrative positions at OHCQ. Additionally, the quarterly reporting of this information would place a significant administrative burden on RSAs, the majority of which are small businesses.

Finally, MDH is also concerned about the potential disruptive impact these requirements may have on delivery of services provided by RSAs to Medical Assistance participants. In FY 2021, MDH reimbursed RSAs \$402,087,076 for personal assistance services provided to 14,562 Medicaid participants. RSAs must be in good standing with OHCQ to participate as Medicaid providers and bill for services. As such failure to comply with these reporting requirements would jeopardize not only RSAs' licensure status with OHCQ, but also their status as Medicaid providers. MDH anticipates monitoring quarterly updates from OHCQ would pose a substantial administrative burden on provider services staff, while also compromising vulnerable participants' ability to access care.

If you would like to discuss this further, please do not hesitate to contact Megan Peters, Acting Director of Governmental Affairs at [megan.peters@maryland.gov](mailto:megan.peters@maryland.gov) or (410) 260-3190.

Sincerely,



Laura Herrera Scott, M.D., M.P.H.  
Acting Secretary