

SENATE BILL 226

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(PRE-FILED)

4r0279
CF HB 215

By: **Chair, Finance Committee (By Request – Departmental – Disabilities)**

Requested: September 19, 2023

Introduced and read first time: January 10, 2024

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: February 11, 2024

CHAPTER _____

1 AN ACT concerning

2 **Human Services – Attendant Care Program – Ongoing Additional Supports**

3 FOR the purpose of altering the purpose of the Attendant Care Program to include the
4 provision of financial assistance for ongoing additional supports; and generally
5 relating to the Attendant Care Program and ongoing additional supports.

6 BY repealing and reenacting, with amendments,

7 Article – Human Services

8 Section 7–401, 7–402, and 7–404

9 Annotated Code of Maryland

10 (2019 Replacement Volume and 2023 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

12 That the Laws of Maryland read as follows:

13 **Article – Human Services**

14 7–401.

15 (a) In this subtitle the following words have the meanings indicated.

16 (b) “Attendant care services” means any of the following services for an eligible
17 individual, which are certified as necessary by an attending physician or by a registered
18 nurse:

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.



- 1 (1) dressing;
- 2 (2) preparing food and assisting with eating;
- 3 (3) bathing and personal hygiene;
- 4 (4) assisting with routine bodily functions, including bowel and urinary
5 care;
- 6 (5) moving into, out of, or turning in bed;
- 7 (6) laundering and other clothing care; and
- 8 (7) cleaning house and performing other services of daily care, including
9 shopping and transportation, that the Department and the eligible individual request.

10 (c) “Department” means the Department of Disabilities.

11 (d) “Eligible individual” means an individual who:

12 (1) is at least 18 years old and under the age of 65 years at the time of the
13 initial eligibility determination; and

14 (2) has a severe chronic or permanent physical disability that precludes or
15 significantly impairs the individual’s independent performance of essential activities of
16 daily living, self-care, or mobility.

17 (e) “Financial assistance” means a payment the Department makes to an eligible
18 individual for attendant care services **OR ONGOING ADDITIONAL SUPPORTS**.

19 **(F) “ONGOING ADDITIONAL SUPPORTS” MEANS A CONTINUAL SUPPORT**
20 **THAT:**

21 **(1) INCREASES AN ELIGIBLE INDIVIDUAL’S INDEPENDENT**
22 **PERFORMANCE OF AN ESSENTIAL ACTIVITY OF DAILY LIVING, SELF-CARE, OR**
23 **MOBILITY; AND**

24 **(2) IS REQUESTED BY AN ELIGIBLE INDIVIDUAL AND APPROVED BY**
25 **THE DEPARTMENT.**

26 **[(f)] (G)** “Program” means the Attendant Care Program.

27 **[(g)] (H)** “Secretary” means the Secretary of Disabilities.

1 (a) (1) There is an Attendant Care Program in the Department.

2 (2) The purpose of the Program is to provide financial assistance to eligible
3 individuals for attendant care services **AND ONGOING ADDITIONAL SUPPORTS**.

4 (b) The Department shall provide financial assistance in accordance with a
5 sliding payment scale that the Department establishes by regulation for each category of
6 eligible individuals described in § 7–404(a) of this subtitle.

7 7–404.

8 (a) (1) The Department shall ensure that at any given time at least 50% of the
9 eligible individuals receiving financial assistance under the Program are:

10 (i) gainfully employed;

11 (ii) actively seeking employment; or

12 (iii) attending an institution of postsecondary or higher education, as
13 defined in § 10–101 of the Education Article.

14 (2) The remainder of the eligible individuals receiving financial assistance
15 under the Program shall be individuals who:

16 (i) reside in a nursing facility or similar institution licensed to
17 provide chronic or intermediate care and who will be deinstitutionalized as a result of the
18 Program; or

19 (ii) are certified by an attending physician or certified nurse
20 practitioner as being at risk of placement in a nursing facility or similar institution licensed
21 to provide chronic or intermediate care if attendant care services are not received in the
22 community.

23 (b) (1) Subject to the availability of funds, the Secretary may waive the
24 proportional requirement of subsection (a)(1) of this section in the event there is a waiting
25 list of eligible individuals described in subsection (a)(2) of this section.

26 (2) The Secretary may adopt regulations to establish priorities and
27 procedures for a waiting list of eligible individuals.

28 (3) An eligible individual receiving financial assistance may not be
29 removed from the Program to achieve the proportional requirement under subsection (a)(1)
30 of this section.

1 (c) Financial assistance provided under the Program may not duplicate any other
2 State or federal assistance for attendant care services **OR ONGOING ADDITIONAL**
3 **SUPPORTS** that an eligible individual receives.

4 (d) The Department shall limit participation in the Program to the number of
5 eligible individuals who can be served with the funds appropriated for the Program in the
6 State budget.

7 (e) Each year, the Department shall review the eligibility of each individual
8 receiving financial assistance.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.