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**By: Delegates Mossburg and Kach**

Introduced and read first time: February 2, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance and Workers' Compensation - Individuals Referredby Nurse**  
3 **Registries - Coverage**

4 FOR the purpose of providing that, under certain circumstances, work performed by an  
5 individual referred by a nurse registry is not covered employment for purposes of  
6 unemployment insurance; providing that, under certain circumstances,an individual  
7 who provides in-home care pursuant to a referral by a nurse registryis an  
8 independent contractor and not a covered employee for purposes of workers'  
9 compensation; providing for an effective date; and generally relating to the coverage  
10 of individuals referred by a nurse registry for purposes of unemployment insurance  
11 and workers' compensation.

12 BY adding to

- 13 Article - Labor and Employment
- 14 Section 8-206(e) and 9-216A
- 15 Annotated Code of Maryland
- 16 (1991 Volume and 1995 Supplement)

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

19 **Article - Labor and Employment**

20 8-206.

21 (E) WORK PERFORMED BY AN INDIVIDUAL REFERRED BY A NURSE  
22 REGISTRY THAT IS LICENSED AS AN EMPLOYMENT AGENCY UNDER TITLE 9,  
23 SUBTITLE 3 OF THE BUSINESS REGULATION ARTICLE IS NOT COVERED  
24 EMPLOYMENT IF THE INDIVIDUAL:

25 (1) MAY ACCEPT OR REJECT THE REFERRAL FROM THE NURSE  
26 REGISTRY;

27 (2) IS NOT UNDER THE CONTROL AND DIRECTION OF THE NURSE  
28 REGISTRY; AND

29 (3) HAS ENTERED INTO AN AGREEMENT WITH THE NURSE REGISTRY  
30 THAT PROVIDES THAT THE INDIVIDUAL IS RESPONSIBLE FOR PAYING ANY

HOUSE BILL 876

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1 APPLICABLE STATE AND FEDERAL INCOME TAXES AND ADVISES THE INDIVIDUAL  
2 THAT THE WORK IS NOT COVERED EMPLOYMENT FOR PURPOSES OF  
3 UNEMPLOYMENT INSURANCE.

4 9-216A.

5 AN INDIVIDUAL WHO PROVIDES IN-HOME CARE PURSUANT TO A REFERRAL  
6 BY A NURSE REGISTRY THAT IS LICENSED UNDER TITLE 9, SUBTITLE 3 OF THE  
7 BUSINESS REGULATION ARTICLE IS AN INDEPENDENT CONTRACTOR AND NOT A  
8 COVERED EMPLOYEE IF THE INDIVIDUAL:

9 (1) MAY ACCEPT OR REJECT THE REFERRAL FROM THE NURSE  
10 REGISTRY;

11 (2) IS NOT UNDER THE CONTROL AND DIRECTION OF THE NURSE  
12 REGISTRY; AND

13 (3) HAS ENTERED INTO AN AGREEMENT WITH THE NURSE REGISTRY  
14 THAT PROVIDES THAT THE PERSON IS RESPONSIBLE FOR PAYING ANY APPLICABLE  
15 STATE AND FEDERAL INCOME TAX AND ADVISES THE INDIVIDUAL THAT THE  
16 INDIVIDUAL IS NOT A COVERED EMPLOYEE FOR PURPOSES OF WORKERS'  
17 COMPENSATION.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 June 1, 1996.