
By: Senator Derr

Introduced and read first time: January 31, 1996

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance and Workers' Compensation - Individuals Referred by 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 registry is 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

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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.