

HOUSE BILL 922

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2001 Regular Session  
11r2243  
CF 11r1985

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By: **Delegates Pitkin, R. Baker, W. Baker, Baldwin, Barkley, Benson, Bobo, Bohanan, Boschert, Boutin, Bozman, Branch, Bronrott, Burns, Busch, Cadden, Cane, Carlson, Clagett, Cole, Conroy, Conway, Cryor, D'Amato, C. Davis, D. Davis, DeCarlo, Dembrow, Dewberry, Dobson, Donoghue, Doory, Dypski, Eckardt, Edwards, Elliott, Finifter, Flanagan, Franchot, Frush, Getty, Giannetti, Gladden, Glassman, Goldwater, Gordon, Greenip, Griffith, Grosfeld, Guns, Hammen, Harrison, Healey, Hecht, Heller, Hill, Hixson, Howard, Hubbard, Hubers, Hurson, Hutchins, James, A. Jones, V. Jones, Kach, Kagan, J. Kelly, K. Kelly, Kirk, Kittleman, Klausmeier, Klima, Kopp, Krysiak, Leopold, Love, Mandel, Marriott, McHale, McIntosh, McKee, Menes, Minnick, Mitchell, Moe, Mohorovic, Montague, Morhaim, Nathan-Pulliam, Oaks, O'Donnell, Owings, Paige, Palumbo, Parrott, Patterson, Pendergrass, Petzold, Phillips, Ports, Proctor, Rawlings, Redmer, Riley, Rosenberg, Rosso, Rudolph, Rzepkowski, Schisler, Shank, Sher, Shriver, Snodgrass, Sophocleus, Stern, Stocksdaile, Stull, Swain, Taylor, Turner, Valderrama, Vallario, Walkup, Weir, Wood, and Zirkin**

Introduced and read first time: February 9, 2001  
Assigned to: Appropriations

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A BILL ENTITLED

1 AN ACT concerning

2 **Community Providers - Developmentally Disabled Individuals - Rate**  
3 **Increase**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
5 increase the rate of reimbursement paid to community providers of services to  
6 developmentally disabled individuals in a manner that reduces a certain  
7 disparity amount by certain percentages beginning on a certain date; requiring  
8 the Department to determine by a certain date, a certain disparity amount  
9 using certain data and information and to determine the amount of annual rate  
10 increases necessary to eliminate a certain disparity amount in a certain manner;  
11 requiring the Department to adopt certain regulations; providing for the  
12 construction of this Act; defining certain terms; and generally relating to  
13 community providers of services to developmentally disabled individuals and  
14 rate increases.

15 BY adding to  
16 Article - Health - General  
17 Section 7-307  
18 Annotated Code of Maryland

(2000 Replacement Volume)

Preamble

WHEREAS, The State of Maryland has a responsibility to ensure that the community-based services provided to individuals with developmental disabilities are of high quality and comply with all regulations; and

WHEREAS, The General Assembly is concerned that the reimbursement rates for community providers of services to individuals with developmental disabilities are insufficient to adequately compensate community direct service workers; and

WHEREAS, The inadequacy of the reimbursement rates for community providers of services to individuals with developmental disabilities results in a wage disparity between community direct service workers and State employees in comparable positions in State residential facilities; and

WHEREAS, The inadequacy of the reimbursement rates for community providers of services to individuals with developmental disabilities has been ongoing and unresolved for many years and there is a need to address the issue in a comprehensive, equitable, and objective manner; now, therefore,

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

**Article - Health - General**

7-307.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "COMMUNITY PROVIDER" MEANS A COMMUNITY-BASED AGENCY OR PROGRAM FUNDED BY:

(I) THE ADMINISTRATION TO SERVE INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; OR

(II) THE MENTAL HYGIENE ADMINISTRATION TO SERVE INDIVIDUALS WITH MENTAL DISORDERS.

(3) "COMMUNITY DIRECT SERVICE WORKER" MEANS AN EMPLOYEE OF A COMMUNITY PROVIDER THAT PROVIDES TREATMENT OR SERVICES TO DEVELOPMENTALLY DISABLED INDIVIDUALS.

(4) "DISPARITY AMOUNT" MEANS THE MONETARY CALCULATION OF THE AVERAGE DIFFERENCE IN WAGES AND BENEFITS BETWEEN COMMUNITY DIRECT SERVICE WORKERS AND COMPARABLE EMPLOYEES IN STATE RESIDENTIAL CENTERS.

1 (5) "RATE" MEANS THE REIMBURSEMENT RATE PAID BY THE  
2 DEPARTMENT TO A COMMUNITY PROVIDER FROM THE STATE GENERAL FUND,  
3 MARYLAND MEDICAL ASSISTANCE PROGRAM FUNDS, OTHER STATE OR FEDERAL  
4 FUNDS, OR A COMBINATION OF FUNDS.

5 (B) NOTWITHSTANDING THE PROVISIONS OF THIS TITLE, THE DEPARTMENT  
6 SHALL REIMBURSE COMMUNITY PROVIDERS AS PROVIDED IN THIS SECTION.

7 (C) (1) ON OR BEFORE JULY 1, 2001, THE DEPARTMENT SHALL DETERMINE:

8 (I) THE DISPARITY AMOUNT; AND

9 (II) THE AMOUNT OF ANNUAL INCREASE IN THE RATE OF  
10 REIMBURSEMENT TO COMMUNITY PROVIDERS NECESSARY TO REDUCE AND  
11 ELIMINATE THE DISPARITY AMOUNT AS REQUIRED UNDER SUBSECTION (D) OF THIS  
12 SECTION.

13 (2) THE DEPARTMENT SHALL DETERMINE THE DISPARITY AMOUNT  
14 USING DATA AND INFORMATION FROM:

15 (I) THE COMMUNITY SERVICES RATE REIMBURSEMENT  
16 COMMISSION; AND

17 (II) REPORTS REQUIRED TO BE PROVIDED TO THE GENERAL  
18 ASSEMBLY BY THE DEPARTMENT.

19 (D) THE DEPARTMENT SHALL INCREASE THE RATE OF REIMBURSEMENT FOR  
20 COMMUNITY SERVICES PROVIDERS BY AN AMOUNT THAT:

21 (1) REDUCES THE DISPARITY AMOUNT TO 40% ON OR BEFORE JULY 1,  
22 2002;

23 (2) REDUCES THE DISPARITY AMOUNT TO 20% ON OR BEFORE JULY 1,  
24 2003; AND

25 (3) ELIMINATES THE DISPARITY AMOUNT ON OR BEFORE JULY 1, 2004.

26 (E) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THIS  
27 SECTION.

28 (F) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE  
29 DEPARTMENT FROM ELIMINATING THE DISPARITY AMOUNT PRIOR TO JULY 1, 2004.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 June 1, 2001.