

Department of Legislative Services
 Maryland General Assembly
 2004 Session

FISCAL AND POLICY NOTE

House Bill 1207 (Delegate Rosenberg, *et al.*)
 Health and Government Operations

Consumer Protection Act for Wheeled Mobility

This bill requires residential service agencies (RSAs) licensed by the Department of Health and Mental Hygiene (DHMH) that sell, service, or instruct consumers in the use of wheeled mobility systems to employ at least one qualified rehabilitation professional to assist a consumer if the consumer meets the bill’s criteria. RSAs must meet the bill’s requirements as a condition of licensure. DHMH must adopt regulations to implement the bill.

The bill takes effect July 1, 2005.

Fiscal Summary

State Effect: No effect in FY 2005. General fund expenditures could increase by \$33,900 in FY 2006 for DHMH to hire a part-time database specialist. No effect on revenues. Future years reflect annualization and inflation.

(in dollars)	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	33,900	30,500	32,200	34,100	36,100
Net Effect	(\$33,900)	(\$30,500)	(\$32,200)	(\$34,100)	(\$36,100)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Meaningful to the extent that RSAs do not already employ staff who meet the bill’s requirements.

Analysis

Bill Summary:

Consumer Criteria

This bill applies to consumers who are: (1) under age 21; (2) have a diagnosis that: (i) results from childhood or adult onset injury or trauma that may be permanent in nature or require long-term rehabilitative care; (ii) is progressive in nature; (iii) is neuromuscular in nature; or (iv) indicates a need for other assistive technology such as speech generating or environmental controls; or (3) requires adaptive seating or positioning equipment.

RSA New Licensure Requirements

Each licensed RSA must: (1) employ directly or contractually at least one qualified rehabilitation professional; (2) ensure that all qualified rehabilitation professionals that it employs meet the bill's requirements and perform the duties specified under the bill; and (3) by July 1, 2007 obtain accreditation by a nationally recognized accreditation body or, if the agency has been in business for less than one year, provide proof of application for accreditation.

Qualified rehabilitation professionals must, by July 1, 2008, become credentialed as an assistive technology practitioner, assistive technology supplier, or rehabilitation engineering technologist by the Rehabilitation Engineering and Assistive Technology Society of North America. Or, the individual must successfully complete a four-year degree in assistive technology from an accredited college or university. Before that deadline, each individual must provide proof of meeting educational requirements or having applicable experience in order to work as a qualified rehabilitation professional.

The qualified professionals must assess each consumer based on a physical examination completed by the consumer's health care practitioner, recommend the appropriate wheeled mobility system, and perform the final fitting.

If a qualified rehabilitation professional's employment is terminated from an RSA, the agency may be exempt from the employment requirements for up to one year upon DHMH's approval. The RSA must ensure that at least one staff member meets certain educational requirements or has applicable experience until a qualified rehabilitation professional can be hired.

Current Law: The RSA is any person engaged in a nongovernmental business of employing or contracting with individuals to provide home health care for compensation to an unrelated sick or disabled individual in the individual's residence.

This excludes a licensed home health agency, a licensed home-based hospice program, a licensed hospital, a licensed related institution, a licensed nurse registry that screens or refers individuals for a client's selection or rejection and does not provide home health care services, personal care providers under the Medical Assistance Personal Care Program, any person authorized to practice a health occupation, a group of persons licensed under health occupations laws who are practicing as a business, or residential rehabilitation services providers approved under State Mental Health Authority regulations.

To qualify for an RSA license, an applicant must show that the RSA will provide appropriate home health care providers to sick or disabled individuals who may be provided care in the individual's residence and must meet DHMH regulatory requirements.

Background: There are approximately 276 licensed RSAs in Maryland.

State Expenditures: No effect in fiscal 2005. General fund expenditures could increase by an estimated \$33,918 in fiscal 2006, which reflects the cost of hiring one part-time database specialist to monitor the qualified rehabilitation professionals to ensure they have the necessary credentials. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Salary and Fringe Benefits	\$27,024
Operating Expenses	<u>6,894</u>
Total FY 2006 State Expenditures	\$33,918

Future year expenditures reflect: (1) full salary with 4.6% annual increases and 3% employee turnover; and (2) 1% annual increases in ongoing operating expenses.

The Department of Legislative Services assumes that existing DHMH employees could write the required regulations. Existing DHMH employees are already monitoring RSAs' compliance with other statutory requirements.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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