
By: **Senators Harris and Pipkin**

Introduced and read first time: February 4, 2005

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Nurses and Certified Nursing Assistants**
3 **Referred by Agencies - Coverage**

4 FOR the purpose of providing that under certain circumstances, work performed by
5 certain nurses and certified nursing assistants referred by a nursing referral
6 service agency or a nursing staff agency is not covered employment for purposes
7 of unemployment insurance; providing for the application of this Act; and
8 generally relating to unemployment insurance law.

9 BY adding to
10 Article - Labor and Employment
11 Section 8-206(f)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2004 Supplement)

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

16 **Article - Labor and Employment**

17 8-206.

18 (F) WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY A NURSE OR
19 CERTIFIED NURSING ASSISTANT REFERRED BY A NURSING REFERRAL SERVICE
20 AGENCY THAT IS LICENSED UNDER TITLE 19, SUBTITLE 4B OF THE HEALTH -
21 GENERAL ARTICLE, OR A NURSING STAFF AGENCY LICENSED UNDER TITLE 19,
22 SUBTITLE 20 OF THE HEALTH - GENERAL ARTICLE, IF THE SECRETARY IS SATISFIED
23 THAT:

24 (1) (I) THE NURSE IS LICENSED UNDER TITLE 8, SUBTITLE 3 OF THE
25 HEALTH OCCUPATIONS ARTICLE AS A CERTIFIED NURSE PRACTITIONER,
26 REGISTERED NURSE, OR LICENSED PRACTICAL NURSE; OR

1 (II) THE CERTIFIED NURSING ASSISTANT IS CERTIFIED UNDER
2 TITLE 8, SUBTITLE 6A OF THE HEALTH OCCUPATIONS ARTICLE AS A CERTIFIED
3 NURSING ASSISTANT;

4 (2) THE NURSE OR CERTIFIED NURSING ASSISTANT MAY ACCEPT OR
5 REJECT THE REFERRAL FROM THE NURSING REFERRAL SERVICE AGENCY OR
6 NURSING STAFF AGENCY;

7 (3) THE NURSE OR CERTIFIED NURSING ASSISTANT HAS ENTERED INTO
8 A WRITTEN AGREEMENT WITH THE NURSING REFERRAL SERVICE AGENCY OR
9 NURSING STAFF AGENCY THAT IS CURRENTLY IN EFFECT; AND

10 (4) THE WRITTEN AGREEMENT EXPRESSLY STATES THAT THE NURSE OR
11 CERTIFIED NURSING ASSISTANT KNOWS:

12 (I) OF THE RESPONSIBILITY TO PAY STATE AND FEDERAL INCOME
13 TAXES; AND

14 (II) THAT THE WORK IS NOT COVERED EMPLOYMENT FOR
15 PURPOSES OF UNEMPLOYMENT INSURANCE.

16 SECTION 2. AND BE IT FURTHER ENACTED, That Section 8-206(f) of the
17 Labor and Employment Article, as enacted by Section 1 of this Act, shall be construed
18 retroactively and shall be applied to and interpreted to affect all determinations by
19 the Secretary of Labor, Licensing, and Regulation of: (1) rates of contributions for
20 employing units for all calendar years beginning on or after January 1, 2000; and (2)
21 benefit charges for unemployment insurance claims for benefits based on work
22 performed on or after January 1, 2000. Wages that are paid for work performed by a
23 nurse or certified nursing assistant through September 30, 2005, may be used in
24 determining monetary eligibility for unemployment insurance benefits.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2005.