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By: **Senators Britt, Brochin, Conway, Grosfeld, Hollinger, Jones, Middleton,  
Munson, and Ruben**

Introduced and read first time: March 3, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Home Care Services - Personal Care Providers - Reimbursement,**  
3 **Training, and Benefits**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
5 reimburse personal care providers certain amounts for personal care services  
6 provided under the Maryland Medical Assistance Program; requiring the  
7 Department to develop a certain training program for personal care providers  
8 that provide personal care services under the Program; requiring the  
9 Department, in consultation with representatives of a public institution of  
10 higher education in the State, to develop and implement a curriculum for the  
11 training program on or before a certain date; requiring certain State agencies to  
12 offer personal care providers that provide personal care services under the  
13 Program the opportunity to participate in the training developed by the  
14 Department; requiring the Department, on or before a certain date to the extent  
15 permitted and subject to appropriations in the State budget, to develop and  
16 provide a comprehensive health benefit plan for personal care providers that  
17 provide personal care services under the Program; requiring the Secretary to  
18 adopt certain regulations; requiring the Department to study the  
19 implementation of a comprehensive health benefit plan for personal care  
20 providers that provide personal care services under the Program; requiring the  
21 Department to report its findings and recommendations to the Governor and the  
22 General Assembly on or before a certain date; defining certain terms; and  
23 generally relating to personal care providers and home care services under the  
24 Maryland Medical Assistance Program.

25 BY repealing and reenacting, without amendments,  
26 Article - Health - General  
27 Section 15-101(a), (h), and (i)  
28 Annotated Code of Maryland  
29 (2000 Replacement Volume and 2004 Supplement)

30 BY adding to  
31 Article - Health - General

1 Section 15-142  
2 Annotated Code of Maryland  
3 (2000 Replacement Volume and 2004 Supplement)

4 Preamble

5 WHEREAS, The State of Maryland has a responsibility to ensure that there  
6 are accessible and affordable home- and community-based services available to the  
7 frail elderly and individuals with disabilities, and that such services are of high  
8 quality and comply with all laws and regulations; and

9 WHEREAS, Stabilizing and expanding the long-term care workforce is among  
10 the greatest challenges facing the State; and

11 WHEREAS, Many individuals with limitations on activities of daily living  
12 prefer consumer-directed long-term care services in the home and community  
13 setting; and

14 WHEREAS, High quality home- and community-based service programs give  
15 seniors, individuals with disabilities, and the families of seniors and individuals with  
16 disabilities a greater choice in determining the setting of long-term care; and

17 WHEREAS, Home- and community-based services are preferred by  
18 consumers and less costly than nursing homes; and

19 WHEREAS, There is a growing shortage of qualified individuals to provide  
20 home care services in the State; and

21 WHEREAS, The reimbursement rates for home- and community-based  
22 service providers funded by the Department of Health and Mental Hygiene to serve  
23 the frail elderly and individuals with disabilities are not adequate to retain high  
24 quality home care workers; and

25 WHEREAS, The lack of ability to retain high quality home care workers leads  
26 to high turnover rates, instability, and lower quality of home care services; and

27 WHEREAS, The State budget has not provided a cost-of-living adjustment for  
28 the majority of Personal Care Program providers since 1986; and

29 WHEREAS, There has been no change in the levels of certain reimbursement  
30 rates since 1986; and

31 WHEREAS, Consumers are well served by properly funded programs that  
32 support self-direction, individual autonomy, dignity, and choice; now, therefore,

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

**Article - Health - General**

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2 15-101.

3 (a) In this title the following words have the meanings indicated.

4 (h) "Program" means the Maryland Medical Assistance Program.

5 (i) "Program recipient" means an individual who receives benefits under the  
6 Program.

7 15-142.

8 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
9 INDICATED.10 (2) "PERSONAL CARE PROVIDER" MEANS AN INDIVIDUAL WHO,  
11 THROUGH APPROPRIATE AGREEMENT WITH THE DEPARTMENT, IS IDENTIFIED BY  
12 THE ISSUANCE OF AN INDIVIDUAL ACCOUNT NUMBER AS A PROGRAM PROVIDER  
13 AND IS ELIGIBLE TO RENDER PERSONAL CARE SERVICES TO RECIPIENTS.14 (3) "PERSONAL CARE SERVICES" MEANS ASSISTANCE WITH ACTIVITIES  
15 OF DAILY LIVING.16 (B) THIS SECTION APPLIES TO PERSONAL CARE PROVIDERS THAT PROVIDE  
17 PERSONAL CARE SERVICES UNDER THE PROGRAM.18 (C) THE PROGRAM SHALL REIMBURSE PERSONAL CARE PROVIDERS FOR  
19 PERSONAL CARE SERVICES RENDERED AT LEAST IN THE FOLLOWING AMOUNTS FOR  
20 THE LEVELS OF PERSONAL CARE AS PROVIDED IN REGULATIONS ADOPTED BY THE  
21 SECRETARY:

22 (1) \$14 FOR A DAY OF LEVEL 1 PERSONAL CARE;

23 (2) \$24 FOR A DAY OF LEVEL 2 PERSONAL CARE;

24 (3) \$50 FOR A DAY OF LEVEL 3 PERSONAL CARE; AND

25 (4) \$14 FOR A DAY OF TRAINING.

26 (D) (1) THE DEPARTMENT SHALL DEVELOP A TRAINING PROGRAM FOR  
27 PERSONAL CARE PROVIDERS THAT PROVIDE PERSONAL CARE SERVICES UNDER THE  
28 PROGRAM ON:

29 (I) PROVIDING QUALITY OF CARE TO PROGRAM RECIPIENTS; AND

30 (II) IMPROVING THE SAFETY OF THE WORK ENVIRONMENT.

31 (2) ON OR BEFORE JULY 1, 2006, THE DEPARTMENT, IN CONSULTATION  
32 WITH REPRESENTATIVES OF A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE

1 STATE, SHALL DEVELOP AND IMPLEMENT A CURRICULUM FOR THE TRAINING  
2 PROGRAM THAT WILL PROVIDE FOR AT LEAST 80 HOURS OF TRAINING.

3 (3) STATE AGENCIES THAT IMPLEMENT HOME- AND  
4 COMMUNITY-BASED SERVICES PROGRAMS SHALL OFFER PERSONAL CARE  
5 PROVIDERS THE OPPORTUNITY TO PARTICIPATE IN THE TRAINING DEVELOPED BY  
6 THE DEPARTMENT.

7 (E) ON OR BEFORE JANUARY 1, 2006, THE DEPARTMENT SHALL, TO THE  
8 EXTENT PERMITTED AND SUBJECT TO APPROPRIATIONS IN THE STATE BUDGET,  
9 PROVIDE A COMPREHENSIVE HEALTH BENEFIT PLAN TO PERSONAL CARE  
10 PROVIDERS THAT PROVIDE PERSONAL CARE SERVICES UNDER THE PROGRAM.

11 (F) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
12 PROVISIONS OF THIS SECTION.

13 SECTION 2. AND BE IT FURTHER ENACTED, That:

14 (a) The Department of Health and Mental Hygiene shall conduct or  
15 commission a study on the implementation of a comprehensive health benefit plan,  
16 supported by a combination of public and private funding, for personal care providers  
17 that provide personal care services under the Maryland Medical Assistance Program.

18 (b) The Department shall report its findings and recommendations to the  
19 Governor and, in accordance with § 2-1246 of the State Government Article, to the  
20 General Assembly on or before October 1, 2005.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
22 effect July 1, 2005.