
By: **Delegates Walkup, Cadden, and Sossi**

Introduced and read first time: February 10, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Unemployment Insurance - Home Health Care and Personal Care Providers**
3 **Referred by Agencies - Coverage**

4 FOR the purpose of providing that under certain circumstances, work performed by
5 certain home health care or personal care providers referred by a referral
6 service agency or staff agency is not covered employment for purposes of
7 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(g)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2005 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 (G) WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY A HOME
19 HEALTH CARE OR PERSONAL CARE PROVIDER REFERRED BY A REFERRAL SERVICE
20 AGENCY OR STAFF AGENCY, IF THE SECRETARY IS SATISFIED THAT:

21 (1) THE HOME HEALTH CARE OR PERSONAL CARE PROVIDER MAY
22 ACCEPT OR REJECT THE REFERRAL FROM THE REFERRAL SERVICE AGENCY OR
23 STAFF AGENCY;

24 (2) THE HOME HEALTH CARE OR PERSONAL CARE PROVIDER HAS
25 ENTERED INTO A WRITTEN AGREEMENT WITH THE REFERRAL SERVICE AGENCY OR
26 STAFF AGENCY THAT IS CURRENTLY IN EFFECT; AND

27 (3) THE WRITTEN AGREEMENT EXPRESSLY STATES THAT THE HOME
28 HEALTH CARE OR PERSONAL CARE PROVIDER KNOWS:

1 (I) OF THE RESPONSIBILITY TO PAY STATE AND FEDERAL INCOME
2 TAXES; AND

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That Section 8-206(g) of the
6 Labor and Employment Article, as enacted by Section 1 of this Act, shall be construed
7 retroactively and shall be applied to and interpreted to affect all determinations by
8 the Secretary of Labor, Licensing, and Regulation of: (1) rates of contributions for
9 employing units for all calendar years beginning on or after January 1, 2000; and (2)
10 benefit charges for unemployment insurance claims for benefits based on work
11 performed on or after January 1, 2000. Wages that are paid for work performed by a
12 home health care or personal care provider through September 30, 2006, may be used
13 in determining monetary eligibility for unemployment insurance benefits.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2006.