

Department of Legislative Services
 Maryland General Assembly
 2006 Session

FISCAL AND POLICY NOTE

House Bill 1038 (Delegate Mandel, *et al.*)
 Health and Government Operations

Personal Care Providers - Registry and Training

This bill requires a personal care provider to register with the Department of Health and Mental Hygiene (DHMH) before he/she may provide personal care in the State.

The bill takes effect July 1, 2006.

Fiscal Summary

State Effect: One-time general fund expenditure increase of \$100,000 in FY 2007 to develop a provider registry. Future years assume \$20,000 in general fund expenditures annually to maintain the registry. No effect on revenues.

(in dollars)	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	100,000	20,000	20,000	20,000	20,000
Net Effect	(\$100,000)	(\$20,000)	(\$20,000)	(\$20,000)	(\$20,000)

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

Local Effect: None.

Small Business Effect: Meaningful for small businesses that employ personal care providers and would be required to conduct a provider training program. Additionally, there would be a potential increase in employee turnover if existing personal care providers do not become registered and small business employers must hire registered individuals to take their place.

Analysis

Bill Summary: A personal care provider is defined as an individual or entity that provides personal care in return for compensation, including a provider that is reimbursed by Medicaid. Personal care is a service the individual would normally perform personally but cannot because of advanced age, infirmity, or physical or mental limitation. Personal care may include physically assisting an individual who cannot move independently, bathing and dressing an individual, toileting, and feeding.

A personal care provider does not include a provider employed by home health agencies or residential services agencies; a provider licensed or certified to provide personal care or health care under the Health Occupations Article of the Annotated Code of Maryland; or a child care provider regulated under Title 5, Subtitle 5 of the Family Law Article, including child care centers, family day care homes, foster homes, and group homes. DHMH must adopt regulations to implement the bill that require a provider to submit to a criminal background investigation before the provider may be registered and provide for introductory training for providers. A provider must receive at least 10 hours of introductory training before he/she may provide care in the State.

Current Law: DHMH must provide preventative and home care services for the indigent and medically indigent individuals, subject to the limitations in the State budget.

Background: DHMH advises that the bill does not exclude personal care providers working for nursing referral agencies, assisted living programs, or nursing homes from the bill's requirements.

DHMH operates several programs that provide personal care to individuals. The Medicaid Personal Care Program offers personal care services to individuals with disabilities. The Medicaid Living-at-home Waiver offers services that include personal assistance, skilled nursing supervision, assistive technology, and personal emergency response systems. The Individual Support Services program offers services that include help with home skills, respite services, environmental modifications, adaptive equipment, and transportation.

The Department of Legislative Services (DLS) assumes that there is the potential that an estimated 10,000 home care providers will require registration as a result of the bill.

State Fiscal Effect: General fund expenditures could increase by \$100,000 in fiscal 2007 for one-time computer programming costs to develop and test a provider registry that would be available to the public. Future year expenditures to maintain the registry are estimated at \$20,000 annually.

General fund revenues would not increase because the bill does not include a provision for charging a provider registration fee.

Medicaid advises that it would train 3,142 providers at a cost of \$100 per provider for 10 hours of training per provider, \$314,200 annually in fiscal 2007 and that in future years, 867 providers each year would require training. This assumes that providers would be required to attend training once.

However, DLS disagrees. The bill does not require DHMH to conduct the training. DLS assumes that the businesses employing the providers would be required to conduct the one-time training course for current and new providers.

The bill requires personal care providers to submit to a criminal background investigation before becoming registered. DLS assumes that this provision requires only a State criminal history records check for each provider. The Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services is authorized by law to collect an \$18 fee established for Maryland criminal history checks. This fee represents cost recovery for processing and administration and is revenue/cost neutral.

Additional Information

Prior Introductions: None.

Cross File: SB 715 (Senator Hollinger) – Education, Health, and Environmental Affairs.

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

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Analysis by: Lisa A. Daigle

Direct Inquiries to:
(410) 946-5510
(301) 970-5510