

# SENATE BILL 665

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By: **Senator Colburn**

Introduced and read first time: February 1, 2008

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Compensation Program for Family Member Caretakers**

3 FOR the purpose of establishing the Compensation Program for Family Member  
4 Caretakers in the Department of Health and Mental Hygiene; providing for the  
5 purpose of the Program; providing for eligibility for the Program; providing that  
6 the Program shall provide certain compensation and health insurance benefits  
7 to certain eligible individuals, subject to the limitations of the State budget;  
8 providing that the Department may determine whether to provide health  
9 insurance benefits to certain individuals based on certain criteria; requiring the  
10 Department to determine what level of compensation to provide to certain  
11 individuals based on certain criteria; authorizing the Department to adopt  
12 regulations to implement the Program; requiring the Department to submit a  
13 certain report to the Governor and to the General Assembly on or before a  
14 certain date each year; defining certain terms; and generally relating to  
15 compensation for family member caretakers.

16 BY adding to

17 Article – Health – General

18 Section 13–2701 through 13–2703 to be under the new subtitle “Subtitle 27.

19 Compensation Program for Family Member Caretakers”

20 Annotated Code of Maryland

21 (2005 Replacement Volume and 2007 Supplement)

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

24 **Article – Health – General**

25 **SUBTITLE 27. COMPENSATION PROGRAM FOR FAMILY MEMBER CARETAKERS.**

26 **13–2701.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (A) IN THIS SUBTITLE, "PROGRAM" MEANS THE COMPENSATION  
2 PROGRAM FOR FAMILY MEMBER CARETAKERS.

3           (B) THERE IS A COMPENSATION PROGRAM FOR FAMILY MEMBER  
4 CARETAKERS IN THE DEPARTMENT.

5           (C) THE PURPOSE OF THE PROGRAM IS TO PROVIDE COMPENSATION  
6 AND HEALTH INSURANCE BENEFITS FOR INDIVIDUALS WHO ARE UNABLE TO  
7 WORK OUTSIDE THE HOME DUE TO THE HEALTH NEEDS OF AN IMMEDIATE  
8 FAMILY MEMBER.

9   **13-2702.**

10           (A) IN THIS SECTION, "PERSONAL CARE" MEANS SERVICES THAT AN  
11 INDIVIDUAL NORMALLY WOULD PERFORM PERSONALLY, BUT FOR WHICH THE  
12 INDIVIDUAL NEEDS HELP FROM ANOTHER DUE TO INFIRMITY OR PHYSICAL OR  
13 MENTAL LIMITATION.

14           (B) (1) AN INDIVIDUAL SHALL BE ELIGIBLE FOR THE PROGRAM IF  
15 THE INDIVIDUAL:

16                   (I) HAS BEEN OUT OF WORK FOR 5 OR MORE YEARS  
17 BECAUSE THE INDIVIDUAL HAS BEEN PROVIDING DAILY PERSONAL CARE TO A  
18 MEMBER OF THE IMMEDIATE FAMILY OF THE INDIVIDUAL; AND

19                   (II) MEETS ANY OTHER REASONABLE AND APPROPRIATE  
20 ELIGIBILITY CRITERIA ESTABLISHED BY THE DEPARTMENT.

21           (2) THE DEPARTMENT MAY TAKE INTO ACCOUNT THE SEVERITY  
22 OF THE IMMEDIATE FAMILY MEMBER'S INFIRMITY OR LIMITATION AND THE  
23 LEVEL OF CARE PROVIDED TO THE FAMILY MEMBER BY THE INDIVIDUAL IN  
24 DETERMINING WHETHER AN INDIVIDUAL IS ELIGIBLE FOR THE PROGRAM.

25           (C) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE  
26 PROGRAM SHALL PROVIDE COMPENSATION AND HEALTH INSURANCE BENEFITS  
27 TO INDIVIDUALS WHO ARE ELIGIBLE FOR THE PROGRAM.

28           (D) THE DEPARTMENT MAY DETERMINE WHETHER AN ELIGIBLE  
29 INDIVIDUAL SHOULD RECEIVE HEALTH INSURANCE BENEFITS UNDER THE  
30 PROGRAM BASED ON:

31                   (1) WHETHER THE ELIGIBLE INDIVIDUAL HAS HEALTH  
32 INSURANCE BENEFITS; OR

1           **(2) WHETHER THE ELIGIBLE INDIVIDUAL HAS ACCESS TO**  
2 **HEALTH INSURANCE BENEFITS THROUGH A FAMILY MEMBER OR TO SUBSIDIZED**  
3 **HEALTH INSURANCE BENEFITS THROUGH A LOCAL, STATE, OR FEDERAL**  
4 **PROGRAM.**

5           **(E) THE DEPARTMENT SHALL CALCULATE THE LEVEL OF**  
6 **COMPENSATION THAT AN ELIGIBLE INDIVIDUAL MAY RECEIVE ON A SLIDING**  
7 **SCALE, BASED ON THE INCOME AND ASSETS OF THE ELIGIBLE INDIVIDUAL AND**  
8 **ANY OTHER CRITERIA THAT THE DEPARTMENT DETERMINES IS APPROPRIATE.**

9 **13-2703.**

10           **(A) THE DEPARTMENT MAY ADOPT REGULATIONS TO IMPLEMENT THE**  
11 **PROVISIONS OF THIS SUBTITLE.**

12           **(B) THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN**  
13 **ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE**  
14 **GENERAL ASSEMBLY, ON OR BEFORE DECEMBER 1 OF EACH YEAR ON THE**  
15 **RESULTS OF THE PROGRAM.**

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2008.