

HB0836/346786/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 836
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike “requiring” and substitute “authorizing”; in line 14, strike “first”; in the same line, after “use” insert “only”; strike beginning with “requiring” in line 15 down through “circumstances;” in line 16; in line 19, after “information” insert “and elements”; in line 27, after “date;” insert “altering the effective date of certain provisions of law governing the disclosure of outpatient facility fees;”; in the same line, after “year,” insert “certain”; in line 28, strike “adopt and implement” and substitute “establish”; in line 29, in each instance, strike “testing” and substitute “security”; in lines 29 and 30, strike “adopted and implemented” and substitute “established”; in line 30, after “by” insert “certain”; in the same line, strike “include a certain requirement” and substitute “be posted on a certain website and made available to the public; requiring home health agencies to adopt and implement a certain COVID–19 infection control and prevention plan and provide the plan to certain individuals”; in line 31, strike “home health agencies;” and in the same line, strike the second comma.

On page 2, in line 7, strike “associated costs” and substitute “related items and services”; strike beginning with “prohibiting” in line 8 down through “coverage;” in line 10; in line 13, after “Assembly;” insert “providing that any funding appropriate for the implementation of this Act may consist only of certain federal funds;”; and after line 24, insert:

“BY repealing and reenacting, with amendments,

Chapter 365 of the Acts of the General Assembly of 2020
Section 2”.

AMENDMENT NO. 2

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On page 3, in line 10, strike “**APRIL 1, 2021**” and substitute “**JUNE 1, 2021**”; and strike beginning with “A” in line 6 down through “**COVID-19**” in line 8 and substitute “**AN IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT**”.

On page 6, in line 5, strike “**APRIL 1, 2021**” and substitute “**JUNE 1, 2021**”.

On page 10, strike beginning with “A” in line 3 down through “**COVID-19**” in line 5 and substitute “**AN IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT**”; and in line 31, after “**FUNDING**” insert “**IN THE BUDGET**”.

On page 11, strike beginning with “A” in line 13 down through “**COVID-19**” in line 15 and substitute “**AN IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT**”.

On page 12, strike beginning with “A” in line 10 down through “**COVID-19**” in line 12 and substitute “**AN IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT**”.

On page 13, strike beginning with “A” in line 6 down through “**COVID-19**” in line 8 and substitute “**AN IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF**”.

SARS-CoV-2 OR THE DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT”.

On page 14, strike beginning with “A” in line 2 down through “COVID-19” in line 4 and substitute “**AN IN VITRO DIAGNOSTIC TEST FOR THE DETECTION OF SARS-CoV-2 OR THE DIAGNOSIS OF THE VIRUS THAT CAUSES COVID-19, AS DESCRIBED IN § 3201 OF THE FEDERAL CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT**”; and line 6, before “RAPID” insert “**, CLEARED, OR AUTHORIZED**”.

AMENDMENT NO. 3

On page 3, strike beginning with “UP” in line 27 down through “STATE” in line 28 and substitute “**THE SURVEILLANCE TESTING REQUIRED TO SAFELY REOPEN AND KEEP OPEN SCHOOLS, INSTITUTIONS OF HIGHER EDUCATION, WORKPLACES, AND OTHER COMMUNITY FACILITIES IN THE STATE WHILE MINIMIZING THE COMMUNITY SPREAD OF COVID-19**”; and in line 31, strike “**IN CALENDAR YEARS 2021 AND 2022 AT LEAST SIX**” and substitute “**THE REQUIRED NUMBER OF**”.

On page 4, in line 1, strike “**PER 100,000 RESIDENTS**” and substitute “**TO ACHIEVE THE SURVEILLANCE TESTING GOAL DESCRIBED IN ITEM 1 OF THIS ITEM**”; and strike beginning with “**INCLUDE**” in line 2 down through “**COVERAGE**” in line 12 and substitute “**ESTIMATE THE FUNDING REQUIRED TO IMPLEMENT THE SURVEILLANCE TESTING GOAL DESCRIBED IN ITEM (III)1 OF THIS ITEM AND THE EXTENT TO WHICH FEDERAL FUNDING ALREADY RECEIVED BY THE STATE IN FISCAL YEAR 2021 AND FEDERAL FUNDING THAT IS PROVIDED TO THE STATE AND RECEIVED AFTER MARCH 1, 2021, CAN BE USED TO COVER THE COST REQUIRED TO ACHIEVE THAT GOAL**”.

AMENDMENT NO. 4

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On page 9, strike in their entirety lines 5 through 11, inclusive; in line 14, strike “AND”; in line 16, strike “MONITOR” and substitute “:

(I) MONITOR”;

in line 17, after “DISEASE” insert “;AND

(II) ACHIEVE STATE HEALTH IMPROVEMENT PROCESS GOALS;

(3) MAKE RECOMMENDATIONS REGARDING THE ESTABLISHMENT OF A MARYLAND PUBLIC HEALTH JOB CORPS TO RESPOND TO THE OUTBREAK OF COVID-19 OR SIMILAR OUTBREAKS; AND

(4) CONSIDER, WHERE APPROPRIATE, THE USE OF FEDERAL FUNDS TO IMPLEMENT ANY RECOMMENDATIONS MADE UNDER THIS SUBSECTION”.

AMENDMENT NO. 5

On page 8, in line 5, strike “APRIL 1, 2021” and substitute “JUNE 1, 2021”; in line 20, strike “AND”; and in line 24, after “MORTALITY” insert “:

(III) A VACCINE DISTRIBUTION STRATEGY THAT ALLOCATES RESOURCES AND VACCINES ACROSS ALL PARTNERS AND VACCINATION SITES IN AN EQUITABLE MANNER THAT ENSURES THAT THE VACCINE ALLOCATION BY JURISDICTION ACCOUNTS FOR THE DISPROPORTIONATE IMPACT OF THE COVID-19 PANDEMIC ON UNDERSERVED AND MINORITY COMMUNITIES; AND

(IV) A STRATEGY FOR OUTREACH AND DISTRIBUTION OF VACCINES TO INDIVIDUALS WHO ARE NOT RECEIVING THE VACCINE, DUE TO EITHER LACK OF ACCESS OR VACCINE HESITANCY.

AMENDMENT NO. 6

On page 10, in line 7, after “EDUCATION” insert “**THAT HAS RESIDENCE HALLS FOR STUDENTS**”; strike beginning with “ADOPT” in line 8 down through “EDUCATION” in line 10 and substitute “**ESTABLISH A COVID-19 SECURITY PLAN THAT INCLUDES BOTH SCREENING AND TESTING PROCEDURES THAT WILL KEEP STUDENTS, FACULTY, AND STAFF SAFE WHILE ON CAMPUS FOR FACE-TO-FACE INSTRUCTION DURING THE PANDEMIC**”; in line 11, strike “COVID-19 TESTING”; and strike beginning with “INCLUDE” in line 12 down through “EDUCATION” in line 20 and substitute “**BE POSTED ON THE WEBSITE OF THE INSTITUTION OF HIGHER EDUCATION AND MADE AVAILABLE TO THE PUBLIC**”.

AMENDMENT NO. 7

On page 11, in line 17, strike “TESTING” and substitute “**INFECTION CONTROL AND PREVENTION**”; in line 20, before “THE” insert “**(1)**”; in the same line, strike “COVID-19 TESTING PLAN SHALL ENSURE” and substitute “**PLAN REQUIRED UNDER SUBSECTION (B) OF THIS SECTION SHALL:**

(I) BE ADOPTED AND IMPLEMENTED IN ACCORDANCE WITH ANY APPLICABLE FEDERAL ORDERS AND GUIDANCE; AND

(II) ENSURE”;

in line 22, strike “TESTED” and substitute “**SCREENED**”; in lines 22 and 23, strike “AT A FREQUENCY THAT IS SUFFICIENT TO” and substitute “**TESTED OR REFERRED FOR TESTING FOR COVID-19, IF REQUIRED OR RECOMMENDED UNDER APPLICABLE FEDERAL ORDERS OR GUIDANCE, TO CONTROL AND**”; and after line 24, insert:

(Over)

“(2) THE SCREENING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE REPORTING TO THE HOME HEALTH AGENCY OF ANY:

(I) SYMPTOMS RELATED TO COVID-19 EXPERIENCED BY PATIENTS AND STAFF; AND

(II) KNOWN EXPOSURES OF PATIENTS AND STAFF TO INDIVIDUALS WHO HAVE BEEN DIAGNOSED WITH COVID-19.”

On pages 11 and 12, strike in their entirety the lines beginning with line 25 on page 11 through line 2 on page 12, inclusive, and substitute:

“(D) A HOME HEALTH AGENCY SHALL PROVIDE THE PLAN REQUIRED UNDER SUBSECTION (B) OF THIS SECTION TO:

(1) PATIENTS AND STAFF; AND

(2) MEMBERS OF THE PUBLIC ON REQUEST.”

AMENDMENT NO. 8

On page 14, after line 7, insert:

“(4) “HEALTH BENEFIT PLAN”:

(I) FOR A SMALL EMPLOYER PLAN, HAS THE MEANING STATED IN § 15-1201 OF THIS TITLE; AND

(II) FOR AN INDIVIDUAL PLAN, HAS THE MEANING STATED IN § 15-1301 OF THIS TITLE.;

in line 8, strike “(4)” and substitute “(5)”; in line 12, after “(B)” insert “(1)”; in lines 13 and 17, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(II)”, respectively; after line 19, insert:

“(2) THIS SECTION APPLIES TO EACH INDIVIDUAL AND SMALL EMPLOYER HEALTH BENEFIT PLAN THAT IS ISSUED OR DELIVERED IN THE STATE BY AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION, IRRESPECTIVE OF §§ 15-1207(D) AND 31-116 OF THIS ARTICLE.”;

in line 21, strike “ASSOCIATED COSTS” and substitute “RELATED ITEMS AND SERVICES”; in line 22, after “TESTS” insert “, INCLUDING FACILITY FEES, HEALTH CARE PRACTITIONER FEES, AND EVALUATION OF THE MEMBER FOR PURPOSES OF DETERMINING THE NEED FOR THE COVID-19 TEST, AS REQUIRED BY THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT, THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT, AND ANY APPLICABLE FEDERAL REGULATIONS OR GUIDANCE”; and in line 20, strike “(1)”.

On pages 14 and 15, strike in their entirety the lines beginning with line 23 on page 14 through line 6 on page 15, inclusive.

On page 15, in line 7, strike “(4)” and substitute “(D)”; and in lines 8 and 9, strike “THE COVERAGE REQUIRED UNDER THIS SECTION” and substitute “COVERAGE FOR COVID-19 TESTS AND RELATED ITEMS AND SERVICES FOR THE ADMINISTRATION OF COVID-19 TESTS”.

AMENDMENT NO. 9

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On page 7, in line 14, strike “(I)”; in the same line, strike “SHALL FIRST” and substitute “MAY”; in the same line, after “USE” insert “ONLY”; strike in their entirety lines 19 through 22, inclusive; strike beginning with “IT” in line 28 down through “FIRST” in line 30 and substitute “THE DEPARTMENT MAY”; in line 30, after “USE” insert “ONLY”; and in line 34, strike “; AND” and substitute a period.

On page 8, strike in their entirety lines 1 through 3, inclusive.

On page 10, in line 30, before “IT” insert “(1)”; in the same line, strike the colon; and in line 31, strike “(1) THE” and substitute “THE”.

On page 11, in line 3, strike “; AND” and substitute a period; in line 4, strike “ITEM” and substitute “PARAGRAPH”; in line 5, after “SUBSECTION” insert “SHALL”; and after line 6, insert:

“(3) ANY FUNDING PROVIDED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL CONSIST ONLY OF FEDERAL FUNDING ALLOCATED TO THE STATE UNDER THE CORONAVIRUS RESPONSE AND RELIEF SUPPLEMENTAL APPROPRIATIONS ACT AND ANY OTHER FEDERAL LEGISLATION ENACTED IN CALENDAR YEARS 2020 THROUGH 2022 TO PROVIDE FUNDING REQUIRED UNDER THIS SUBSECTION.”

On page 15, before line 10, insert:

“SECTION 3. AND BE IT FURTHER ENACTED, That any funding appropriated for the implementation of this Act may consist only of federal funding allocated to the State under the federal Coronavirus Response and Relief Supplemental Appropriations Act and any other federal legislation enacted in calendar years 2020 through 2022. Any federal funding appropriated under this Act for vaccine distribution, testing, or contact tracing shall be limited to funding specifically allocated for those purposes under the Coronavirus Aid, Relief, and Economic Security Act, the Consolidated Appropriation

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Act, or the American Rescue Plan Act of 2021 except to the extent other funding is provided for these purposes by the Governor.”;

in line 10, strike “3.” and substitute “4.”; and in line 13, strike “4.” and substitute “5.”.

AMENDMENT NO. 10

On page 3, in line 11 after “STATE” insert “AND THE MARYLAND STATE DEPARTMENT OF EDUCATION”.

On pages 5 and 6, strike in their entirety the lines beginning with line 11 on page 5 through line 4 on page 6, inclusive, and substitute:

“(C) THE PLAN REQUIRED UNDER THIS SECTION SHALL HAVE A DESIGN THAT ADDRESSES THE DISPROPORTIONATE IMPACT OF THE COVID-19 PANDEMIC ON UNDERSERVED AND MINORITY COMMUNITIES IN THE STATE.”.

On page 6, in line 10, after “TRACING” insert “, OR FOR ANY OTHER PUBLIC HEALTH PURPOSE RELATED TO COVID-19 RESPONSE FOR WHICH FEDERAL FUNDING IS AUTHORIZED”; and strike beginning with “TESTING” in line 11 down through “TRACING” in line 12 and substitute “RESPONSE”.

AMENDMENT NO. 11

On page 9, in line 3, strike “INFRASTRUCTURE”; in line 4, strike the colon and substitute “REPRESENTATIVES OF THE DEPARTMENT, LOCAL HEALTH DEPARTMENTS, SUBJECT MATTER EXPERTS, AND ANY OTHER RELEVANT STAKEHOLDERS.”.

AMENDMENT NO. 12

On page 9, after line 21, insert:

“Chapter 365 of the Acts of 2020

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SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
[July 1, 2021] JANUARY 1, 2022.”