

HOUSE BILL 544

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2lr1903
CF 2lr2050

By: **Delegates Qi, Kelly, C. Branch, Carr, Crutchfield, Hill, and Moon**

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Facilities – Residential Service Agencies – Reporting Requirement**

3 FOR the purpose of requiring residential service agencies receiving Medicaid
4 reimbursement for the provision of home care or similar services by personal care
5 aides to report annually to the Maryland Department of Health certain information
6 regarding the personal care aides; and generally relating to residential service
7 agencies and information regarding personal care aides.

8 BY adding to

9 Article – Health – General

10 Section 19–4A–11(c)

11 Annotated Code of Maryland

12 (2019 Replacement Volume and 2021 Supplement)

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

15 **Article – Health – General**

16 19–4A–11.

17 **(C) ON OR BEFORE OCTOBER 1 EACH YEAR, EACH RESIDENTIAL SERVICE**
18 **AGENCY RECEIVING MEDICAID REIMBURSEMENT FOR THE PROVISION OF HOME**
19 **CARE OR SIMILAR SERVICES BY A PERSONAL CARE AIDE SHALL REPORT TO THE**
20 **DEPARTMENT, ON A FORM OR IN AN ELECTRONIC MANNER DEVELOPED BY THE**
21 **DEPARTMENT, THE FOLLOWING:**

22 **(1) THE PERSONAL CARE AIDE’S HOURLY PAY RATE;**

23 **(2) WHETHER THE RESIDENTIAL SERVICE AGENCY HAS CLASSIFIED**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE PERSONAL CARE AIDE AS AN EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR;

2 (3) WHETHER THE PERSONAL CARE AIDE HAS HEALTH INSURANCE
3 THROUGH THE RESIDENTIAL SERVICE AGENCY;

4 (4) WHETHER THE PERSONAL CARE AIDE IS COVERED BY A WORKERS'
5 COMPENSATION POLICY THROUGH THE RESIDENTIAL SERVICE AGENCY; AND

6 (5) WHETHER THE RESIDENTIAL SERVICE AGENCY PROVIDES THE
7 PERSONAL CARE AIDE WITH EARNED SICK AND SAFE LEAVE UNDER THE MARYLAND
8 HEALTHY WORKING FAMILIES ACT.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2022.