An Act concerning Health Facilities – Residential Service Agencies – Reporting Requirement

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

By adding to Article – Health – General Section 19–4A–11(c) Annotated Code of Maryland (2019 Replacement Volume and 2021 Supplement)

Section 1. Be it enacted by the General Assembly of Maryland, That the Laws of Maryland read as follows:

Article – Health – General

19–4A–11.

(C) On or before October 1 each year, each residential service agency receiving Medicaid reimbursement for the provision of home care or similar services by a personal care aide shall report to the Department, on a form or in an electronic manner developed by the Department, the following:

(1) The personal care aide’s hourly pay rate;

(2) Whether the residential service agency has classified

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
THE PERSONAL CARE AIDE AS AN EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR;

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

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

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

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