HOUSE BILL 544

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 2022

CHAPTER ______

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; requiring the Department to use the reported
information to create an annual report; and generally relating to residential service
agencies and information regarding personal care aides.

BY adding to

Article – Health – General
Section 19–4A–11(c) and (d)
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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
Strike out indicates matter stricken from the bill by amendment or deleted from the law by
amendment.
DEPARTMENT, on a form or in an electronic manner developed by the
DEPARTMENT, the number of personal care aides classified by the
residential service agency as:

(1) Employees; and

(2) Independent contractors. The following:

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

(2) Whether the residential service agency has classified
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.

(D) (1) On or before July 1 each year, the Department shall use
the information reported under subsection (C) of this section to create
a report concerning:

(1) Medicaid reimbursement rates;

(II) The cost of delivering services; and

(III) Aggregated employment classifications of
individuals who provide personal care.

(2) Data included in the report under this subsection:

(1) May only be in aggregate; and

(II) May not identify a specific residential service
agency.

(3) The Department shall submit each report created
under paragraph (1) of this subsection to the Senate Finance Committee
AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.