

Chapter 673

(House Bill 544)

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 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 THROUGH 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:

(I) 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:

(I) 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.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.