

HOUSE BILL 318

J1, J3

3lr1337
CF 3lr2542

By: **Delegate Bagnall**

Introduced and read first time: January 25, 2023

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Provider Agencies and Personal Care**
3 **Aides – Reimbursement and Wages**

4 FOR the purpose of requiring the Maryland Department of Health to increase the hourly
5 reimbursement rate for certain personal assistance services under the Maryland
6 Medical Assistance Program; requiring provider agencies to pay a certain wage to
7 personal care aides and to provide a certain notice regarding the wage to personal
8 care aides; requiring provider agencies to submit certain cost reports to the
9 Department; and generally relating to personal care services reimbursed by the
10 Maryland Medical Assistance Program.

11 BY adding to
12 Article – Health – General
13 Section 15–151
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2022 Supplement)

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

18 **Article – Health – General**

19 **15–151.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “PERSONAL CARE AIDE” MEANS AN INDIVIDUAL WHO PROVIDES**
23 **PERSONAL ASSISTANCE SERVICES.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “PROVIDER AGENCY” MEANS AN ENTITY THAT PAYS A PERSONAL**
2 **CARE AIDE TO PROVIDE PERSONAL ASSISTANCE SERVICES THAT ARE**
3 **REIMBURSABLE BY THE PROGRAM UNDER A MEDICAID HOME AND**
4 **COMMUNITY–BASED SERVICES PROGRAM IN ACCORDANCE WITH SUBSECTION (B) OF**
5 **THIS SECTION.**

6 **(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
7 **THIS SECTION APPLIES ONLY TO PERSONAL ASSISTANCE SERVICES PROVIDED**
8 **UNDER COMMUNITY FIRST CHOICE, COMMUNITY OPTIONS, COMMUNITY**
9 **PERSONAL ASSISTANCE SERVICES, AND ANY OTHER HOME AND COMMUNITY–BASED**
10 **SERVICES ADMINISTERED BY THE DEPARTMENT.**

11 **(2) THIS SECTION DOES NOT APPLY TO PERSONAL CARE SERVICES**
12 **PROVIDED THROUGH THE DEVELOPMENTAL DISABILITIES ADMINISTRATION.**

13 **(C) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL INCREASE THE**
14 **HOURLY REIMBURSEMENT RATE FOR PERSONAL ASSISTANCE SERVICES TO A**
15 **MINIMUM OF \$25 PER HOUR.**

16 **(D) (1) BEGINNING JULY 1, 2024, A PROVIDER AGENCY SHALL PAY A**
17 **PERSONAL CARE AIDE A WAGE THAT IS THE GREATER OF:**

18 **(I) \$16 PER HOUR; OR**

19 **(II) 64% OF THE HOURLY REIMBURSEMENT RATE.**

20 **(2) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL PUBLISH**
21 **ON ITS WEBSITE THE WAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

22 **(3) A PROVIDER AGENCY SHALL PROVIDE WRITTEN NOTICE TO EACH**
23 **PERSONAL CARE AIDE EMPLOYED AND PAID BY THE PROVIDER AGENCY OF THE**
24 **DATE ON WHICH THE WAGE REQUIREMENTS UNDER PARAGRAPH (1) OF THIS**
25 **SUBSECTION WILL TAKE EFFECT AND THE RATE THAT THE PERSONAL CARE AIDE**
26 **WILL BE PAID FOLLOWING THE WAGE INCREASE.**

27 **(4) THE DEPARTMENT SHALL DEVELOP A PROCESS FOR A PERSONAL**
28 **CARE AIDE TO REPORT A PROVIDER AGENCY’S FAILURE TO COMPLY WITH THE WAGE**
29 **RATE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

30 **(E) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING IN 2024,**
31 **EACH PROVIDER AGENCY SHALL SUBMIT TO THE DEPARTMENT A COST REPORT IN**
32 **THE FORM AND MANNER REQUIRED BY THE DEPARTMENT.**

1 **(2) THE ANNUAL COST REPORT REQUIRED UNDER PARAGRAPH (1) OF**
2 **THIS SUBSECTION SHALL INCLUDE:**

3 **(I) DOCUMENTATION OF THE PROVIDER AGENCY'S**
4 **COMPLIANCE WITH THE WAGE REQUIREMENTS UNDER SUBSECTION (D)(1) OF THIS**
5 **SECTION;**

6 **(II) DOCUMENTATION OF THE PROVIDER AGENCY'S**
7 **COMPLIANCE WITH THE NOTICE REQUIREMENT UNDER SUBSECTION (D)(3) OF THIS**
8 **SECTION FOR EACH PERSONAL CARE AIDE EMPLOYED BY THE PROVIDER AGENCY;**
9 **AND**

10 **(III) ANY OTHER INFORMATION THAT THE DEPARTMENT**
11 **DETERMINES APPROPRIATE.**

12 **(3) THE ANNUAL COST REPORT REQUIRED UNDER PARAGRAPH (1) OF**
13 **THIS SUBSECTION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE**
14 **PROVIDER AGENCY UNDER PENALTY OF PERJURY.**

15 **(F) (1) THE DEPARTMENT MAY TAKE APPROPRIATE ENFORCEMENT**
16 **ACTION AGAINST A PROVIDER AGENCY IF THE PROVIDER AGENCY:**

17 **(I) FAILS TO SUBMIT A COST REPORT AS REQUIRED;**

18 **(II) SUBMITS AN INACCURATE, INCOMPLETE, OR INVALID COST**
19 **REPORT; OR**

20 **(III) FAILS TO PAY A PERSONAL CARE AIDE THE AMOUNT**
21 **REQUIRED UNDER SUBSECTION (D)(1) OF THIS SECTION.**

22 **(2) APPROPRIATE ENFORCEMENT MAY INCLUDE:**

23 **(I) RECOUPMENT BY THE DEPARTMENT OF FUNDING**
24 **RESULTING FROM THE REIMBURSEMENT RATE INCREASE UNDER SUBSECTION (C)**
25 **OF THIS SECTION;**

26 **(II) IMPOSITION OF A CORRECTIVE PLAN;**

27 **(III) SUSPENSION OR TERMINATION FROM THE PROGRAM; AND**

28 **(IV) TERMINATION OF LICENSURE.**

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2023.

