

SENATE BILL 371

J1, J3

4lr1409

By: **Senator Lam**

Introduced and read first time: January 17, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Provider Agencies and Personal Care**
3 **Aides – Reimbursement and Wage Reports**
4 **(Homecare Workers Livable Wage Act of 2024)**

5 FOR the purpose of requiring provider agencies to submit certain reports to the Maryland
6 Department of Labor regarding wage rates for personal care aides; requiring the
7 Maryland Department of Health to submit certain reports regarding reimbursement
8 rates for entities providing certain home– and community–based services; and
9 generally relating to personal care services reimbursed by the Maryland Medical
10 Assistance Program.

11 BY adding to
12 Article – Health – General
13 Section 15–155
14 Annotated Code of Maryland
15 (2023 Replacement Volume)

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 **15–155.**

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.**

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

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

12 **(C) (1) ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING IN 2025,**
13 **EACH PROVIDER AGENCY SHALL SUBMIT TO THE MARYLAND DEPARTMENT OF**
14 **LABOR A REPORT IN THE FORM AND MANNER REQUIRED BY THE MARYLAND**
15 **DEPARTMENT OF LABOR.**

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

18 **(I) DOCUMENTATION OF THE PROVIDER AGENCY’S:**

19 **1. AVERAGE WAGE RATE FOR PERSONAL CARE AIDES;**
20 **AND**

21 **2. HIGHEST AND LOWEST WAGE RATES FOR PERSONAL**
22 **CARE AIDES; AND**

23 **(II) ANY OTHER INFORMATION THAT THE MARYLAND**
24 **DEPARTMENT OF LABOR DETERMINES APPROPRIATE.**

25 **(3) THE ANNUAL REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS**
26 **SUBSECTION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE**
27 **PROVIDER AGENCY.**

28 **(D) (1) ON OR BEFORE SEPTEMBER 30, 2024, AND EVERY 2 YEARS**
29 **THEREAFTER, THE DEPARTMENT SHALL:**

30 **(I) FOR HOME- AND COMMUNITY-BASED SERVICES PROVIDED**
31 **UNDER PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS –**
32 **MEDICAL CARE PROGRAMS ADMINISTRATION OF THE RARE AND EXPENSIVE CASE**
33 **MANAGEMENT PROGRAM:**

1 **1. COMPARE THE RATE OF REIMBURSEMENT WITH THE**
2 **ACTUAL COST TO ENTITIES PROVIDING THE SERVICES, TO THE EXTENT**
3 **INFORMATION IS PUBLICLY AVAILABLE, FOR:**

4 **A. PROVIDING CARE TO INDIVIDUALS APPROVED FOR**
5 **DIRECT CARE SERVICES;**

6 **B. COORDINATING CARE SERVICES; AND**

7 **C. PROVIDING ANY OTHER SERVICES; AND**

8 **2. REVIEW:**

9 **A. SPECIFIC SERVICES REQUIRED TO BE PROVIDED;**

10 **B. ANY LICENSURE REQUIREMENTS IMPOSED ON**
11 **ENTITIES THAT PROVIDE THE HOME- AND COMMUNITY-BASED SERVICES;**

12 **C. ANY REQUIREMENTS IMPOSED BY A HEALTH**
13 **OCCUPATIONS BOARD THAT ARE SPECIFIC TO INDIVIDUALS PROVIDING HOME- AND**
14 **COMMUNITY-BASED SERVICES; AND**

15 **D. ANY OTHER STATE OR LOCAL REQUIREMENTS**
16 **ASSOCIATED WITH THE COST OF PROVIDING THE SERVICES IN THE STATE;**

17 **(II) DETERMINE, TO THE EXTENT INFORMATION IS PUBLICLY**
18 **AVAILABLE, THE COSTS ASSOCIATED WITH PROVIDING SERVICE AND CARE UNDER**
19 **OTHER HOME- AND COMMUNITY-BASED PROGRAMS;**

20 **(III) IN MAKING THE DETERMINATION UNDER ITEM (II) OF THIS**
21 **PARAGRAPH, CONSULT WITH PERSONS PROVIDING THE SERVICES REQUIRED UNDER**
22 **EACH HOME- AND COMMUNITY-BASED PROGRAM, INCLUDING:**

23 **1. ENTITIES PROVIDING ADULT MEDICAL DAY CARE;**

24 **2. PRIVATE DUTY NURSES;**

25 **3. ASSISTED LIVING PROVIDERS; AND**

26 **4. PERSONAL CARE ASSISTANCE PROVIDERS;**

1 **(IV) COMPARE THE RATE OF REIMBURSEMENT VERSUS THE**
2 **ACTUAL COST TO PROVIDE PERSONAL ASSISTANCE SERVICES TO INDIVIDUALS**
3 **UNDER THE COMMUNITY FIRST CHOICE, COMMUNITY OPTIONS, COMMUNITY**
4 **PERSONAL ASSISTANCE SERVICES, AND ANY OTHER HOME- OR COMMUNITY-BASED**
5 **SERVICES ADMINISTERED BY THE DEPARTMENT;**

6 **(V) DEVELOP A PLAN TO CLOSE ANY IDENTIFIED DIFFERENTIAL**
7 **GAP IN REIMBURSEMENT RATES, INCLUDING BY CONSIDERING WAGES AND**
8 **BENEFITS PAID TO PERSONAL CARE AIDES OR SIMILAR WORKERS IN OTHER STATES**
9 **OR IN OTHER HEALTH CARE SETTINGS; AND**

10 **(VI) DETERMINE THE AMOUNT OF ANY ADJUSTMENT NEEDED IN**
11 **REIMBURSEMENT RATES TO INCREASE WAGES AND BENEFITS TO PERSONAL CARE**
12 **AIDES TO AT LEAST 150% OF THE STATE MINIMUM WAGE.**

13 **(2) ON OR BEFORE SEPTEMBER 30, 2024, AND EVERY 2 YEARS**
14 **THEREAFTER, THE DEPARTMENT SHALL SUBMIT ITS FINDINGS AND**
15 **RECOMMENDATIONS, INCLUDING ANY PROPOSED LEGISLATIVE OR REGULATORY**
16 **CHANGES, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND**
17 **GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE**
18 **STATE GOVERNMENT ARTICLE.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June
20 1, 2024.