



Maryland-National Capital Homecare Association

House Bill 544: *Health Facilities – Residential Service Agencies – Reporting Requirement*
House Health and Government Operations Committee
February 17, 2022

Position: Oppose

On behalf of the Maryland-National Capital Homecare Association (MNCHA), whose members include Medicare-certified home health agencies, private duty companies and durable medical equipment suppliers across the State, we respectfully oppose House Bill 544. During the 2021 Session, the House Health and Government Operations Committee considered and passed House Bill 652. The bill requires the Office of the Attorney General, in consultation with the Maryland Department of Labor and the Maryland Department of Health (MDH) to create a guidance document for residential service agencies regarding the State’s labor and employment laws, including employee classification. As part of this guidance document, the residential service agency is required to attest to being compliant with the State’s employment and labor laws.

In addition, as introduced, the bill would have also required residential service agencies that participate in the Medicaid program to indicate whether a personal care aide of the agency is an independent contractor or an employee and the personal care aide’s hourly pay rate. However, due to the concerns raised by MNCHA, the Committee amended the bill to remove this provision and instead require MDH to create a form with a checkbox indicating whether the residential service agency uses independent contractors.

At this time, it is our understanding that the guidance document and the checkbox form are being finalized and will be rolled out within the next few weeks. Given the good faith negotiations that occurred last Session, we believe that it is only prudent to allow the bill from the 2021 Session to be implemented. Therefore, we respectfully request that the Committee give House Bill 544 an unfavorable vote.

For More Information:

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