

HOUSE BILL 1663

J1, E4

EMERGENCY BILL

0lr3785
CF SB 1080

By: **The Speaker**

Rules suspended

Introduced and read first time: March 6, 2020

Rules suspended

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 10, 2020

Returned to second reading: March 11, 2020

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Read second time: March 11, 2020

Returned to second reading: March 12, 2020

House action: Adopted with floor amendments

Read second time: March 12, 2020

CHAPTER _____

1 AN ACT concerning

2 **State Government – State of Emergency and Catastrophic Health Emergency –**
3 **Authority of Governor and Unemployment Insurance Benefits**
4 **(COVID–19 Public Health Emergency Protection Act of 2020)**

5 FOR the purpose of authorizing the Governor to take certain actions as a result of the
6 issuance of a certain proclamation for the duration of a certain emergency; providing
7 that a certain alternative workweek may allow an employee to work certain hours
8 or shifts and less than a certain number of hours in a week; requiring that an
9 employee who is authorized to work an alternative workweek, under certain
10 circumstances, is considered a full–time employee of the State and is entitled to
11 certain compensation; providing that time worked by a certain employee includes
12 only certain hours and does not include certain leave hours for certain purposes;
13 authorizing the Secretary of Labor to determine that a certain individual is eligible
14 for unemployment insurance benefits under certain circumstances; defining certain
15 terms; making this Act an emergency measure; providing for the termination of this
16 Act; and generally relating to the authority of the Governor in a state of emergency
17 and a catastrophic health emergency.

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.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That:

3 (a) (1) (i) In this section the following words have the meanings indicated.

4 ~~(2)~~ (ii) “Carrier” means:

5 ~~(i)~~ 1. an insurer;

6 ~~(ii)~~ 2. a nonprofit health service plan; or

7 ~~(iii)~~ 3. a health maintenance organization.

8 ~~(3)~~ (iii) “COVID–19” means, interchangeably and collectively, the
9 coronavirus known as COVID–19 or 2019–nCoV and the SARS–CoV–2 virus.

10 ~~(3)~~ ~~(4)~~ (iv) “Department” means the Maryland Department of Health.

11 ~~(4)~~ ~~(5)~~ (v) “Health care provider” has the meaning stated in §
12 14–3A–01 of the Public Safety Article.

13 ~~(5)~~ ~~(6)~~ (vi) “Program” means the Maryland Medical Assistance
14 Program.

15 ~~(b)~~ (2) As a result of the issuance by the Governor on March 5, 2020, of the
16 proclamation declaring a state of emergency and the existence of a catastrophic health
17 emergency or any other proclamation issued under Title 14 of the Public Safety Article
18 relating to the outbreak of COVID–19, the Governor, for the duration of the emergency,
19 may:

20 ~~(1)~~ (i) prohibit cost–sharing by carriers for ~~disease~~ COVID–19 testing
21 and any associated costs that is conducted based on testing protocols recommended by the
22 Secretary of Health;

23 ~~(2)~~ (ii) order the Department to cover the cost of ~~disease~~ COVID–19
24 testing and any associated costs, if the costs would not otherwise be paid for by a carrier or
25 another third party;

26 ~~(3)~~ (iii) require carriers and the Program to cover the cost of an
27 immunization for COVID–19 and any associated costs, without cost–sharing, if:

28 ~~(i)~~ 1. the immunization has been determined by the
29 Department to prevent the disease that is the basis for the issuance of the proclamation;
30 and

1 ~~(ii)~~ 2. the patient belongs to a category of individuals to whom
2 the Department has determined cost-sharing should not apply;

3 ~~(4)~~ (iv) notwithstanding any other provision of law, establish or waive
4 telehealth protocols for COVID-19, including authorizing health care professionals
5 licensed out-of-state to provide telehealth to patients in the State;

6 ~~(5)~~ (v) order the Department to reimburse synchronous and
7 asynchronous telehealth services for COVID-19 provided to a patient, without regard to
8 whether the patient is at a clinical site, if the service is:

9 ~~(i)~~ 1. covered by the Program;

10 ~~(ii)~~ 2. provided by a health care provider participating in the
11 Program; and

12 ~~(iii)~~ 3. authorized under the health care provider's scope of
13 practice;

14 ~~(6)~~ (vi) consult, as appropriate, with the Department, the Maryland
15 Insurance Commissioner, and the Maryland Health Benefit Exchange to develop and
16 implement orders relating to COVID-19 to:

17 ~~(i)~~ 1. minimize disruption in enrollment in health insurance
18 and the Program;

19 ~~(ii)~~ 2. facilitate reimbursement by carriers of telehealth services
20 provided to patients in the State; and

21 ~~(iii)~~ 3. facilitate reimbursement of essential services to minimize
22 the risk to public health;

23 ~~(7)~~ ~~(i)~~ (vii) 1. ~~for the duration of the emergency,~~ prohibit a
24 retailer from increasing the sale or rental price of any good or service to a price that
25 increases the retailer's value of profit by more than 10%, including for the price of:

26 ~~1.~~ A. food;

27 ~~2.~~ B. fuel;

28 ~~3.~~ C. water and ice;

29 ~~4.~~ D. medicine;

30 ~~5.~~ E. medical supplies and equipment;

31 ~~6.~~ F. cleaning products;

~~7.~~ G. building supplies and equipment;

~~8.~~ H. energy sources; and

~~9.~~ I. storage space; and

~~(ii)~~ 2. publish a list of goods and services to which item (i) of this item applies; ~~and~~

~~(8)~~ (viii) prohibit an employer from terminating an employee solely on the basis that the employee has been required to be isolated or quarantined under Title 14 of the Public Safety Article; and

(ix) order the Department to authorize an alternative workweek for an employee:

1. of a health care facility that is owned or operated by the Department and open 24 hours a day and 7 days a week; and

2. who is subject to the Memorandum of Understanding with the American Federation of Teachers.

(b) If the Governor orders the Department to authorize an alternative workweek under subsection (a)(2)(ix) of this section:

(1) the alternative workweek may allow the employee to work hours or shifts that are not typical for State employees and work less than 40 hours in a week;

(2) an employee who is authorized to work an alternative workweek shall be:

(i) considered a full-time employee of the State, notwithstanding any other provision of law; and

(ii) entitled to compensation for overtime work in accordance with § 8-305 of the State Personnel and Pensions Article; and

(3) for the purposes of § 8-305 of the State Personnel and Pensions Article, the time worked by an employee who is authorized to work an alternative workweek includes only the hours actually worked and does not include paid leave hours taken by the employee during the workweek.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Title 8 of the Labor and Employment Article, the Secretary of Labor may determine that an individual, who need not separate from the individual's employment, is eligible for benefits if:

1 (1) the individual's employer temporarily ceases operations due to
2 COVID-19, preventing employees from coming to work;

3 (2) the individual is quarantined due to COVID-19 with the expectation of
4 returning to work after the quarantine is over; or

5 (3) the individual leaves employment due to a risk of exposure or infection
6 of COVID-19 or to care for a family member due to COVID-19.

7 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
8 measure, is necessary for the immediate preservation of the public health or safety, has
9 been passed by a ye and nay vote supported by three-fifths of all the members elected to
10 each of the two Houses of the General Assembly, and shall take effect from the date it is
11 enacted. It shall remain effective through April 30, 2021, and, at the end of April 30, 2021,
12 this Act, with no further action required by the General Assembly, shall be abrogated and
13 of no further force and effect.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.