

# HOUSE BILL 544

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2lr1903  
CF SB 600

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By: **Delegates Qi, Kelly, C. Branch, Carr, Crutchfield, Hill, and Moon**

Introduced and read first time: January 31, 2022

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 26, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Facilities – Residential Service Agencies – Reporting Requirement**

3 FOR the purpose of requiring residential service agencies receiving Medicaid  
4 reimbursement for the provision of home care or similar services by personal care  
5 aides to report annually to the Maryland Department of Health certain information  
6 regarding the personal care aides; requiring the Department to use the reported  
7 information to create an annual report; and generally relating to residential service  
8 agencies and information regarding personal care aides.

9 BY adding to

10 Article – Health – General  
11 Section 19–4A–11(c) and (d)  
12 Annotated Code of Maryland  
13 (2019 Replacement Volume and 2021 Supplement)

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

16 **Article – Health – General**

17 19–4A–11.

18 **(C) ON OR BEFORE OCTOBER 1 EACH YEAR, EACH RESIDENTIAL SERVICE**  
19 **AGENCY RECEIVING MEDICAID REIMBURSEMENT FOR THE PROVISION OF HOME**  
20 **CARE OR SIMILAR SERVICES BY A PERSONAL CARE AIDE SHALL REPORT TO THE**

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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 DEPARTMENT, ON A FORM OR IN AN ELECTRONIC MANNER DEVELOPED BY THE  
 2 DEPARTMENT, THE NUMBER OF PERSONAL CARE AIDES CLASSIFIED BY THE  
 3 RESIDENTIAL SERVICE AGENCY AS:

4 (1) EMPLOYEES; AND

5 (2) INDEPENDENT CONTRACTORS. ~~THE FOLLOWING:~~

6 ~~(1) THE PERSONAL CARE AIDE'S HOURLY PAY RATE;~~

7 ~~(2) WHETHER THE RESIDENTIAL SERVICE AGENCY HAS CLASSIFIED~~  
 8 ~~THE PERSONAL CARE AIDE AS AN EMPLOYEE OR AS AN INDEPENDENT CONTRACTOR;~~

9 ~~(3) WHETHER THE PERSONAL CARE AIDE HAS HEALTH INSURANCE~~  
 10 ~~THROUGH THE RESIDENTIAL SERVICE AGENCY;~~

11 ~~(4) WHETHER THE PERSONAL CARE AIDE IS COVERED BY A WORKERS'~~  
 12 ~~COMPENSATION POLICY THROUGH THE RESIDENTIAL SERVICE AGENCY; AND~~

13 ~~(5) WHETHER THE RESIDENTIAL SERVICE AGENCY PROVIDES THE~~  
 14 ~~PERSONAL CARE AIDE WITH EARNED SICK AND SAFE LEAVE UNDER THE MARYLAND~~  
 15 ~~HEALTHY WORKING FAMILIES ACT.~~

16 (D) (1) ON OR BEFORE JULY 1 EACH YEAR, THE DEPARTMENT SHALL USE  
 17 THE INFORMATION REPORTED UNDER SUBSECTION (C) OF THIS SECTION TO CREATE  
 18 A REPORT CONCERNING:

19 (I) MEDICAID REIMBURSEMENT RATES;

20 (II) THE COST OF DELIVERING SERVICES; AND

21 (III) AGGREGATED EMPLOYMENT CLASSIFICATIONS OF  
 22 INDIVIDUALS WHO PROVIDE PERSONAL CARE.

23 (2) DATA INCLUDED IN THE REPORT UNDER THIS SUBSECTION:

24 (I) MAY ONLY BE IN AGGREGATE; AND

25 (II) MAY NOT IDENTIFY A SPECIFIC RESIDENTIAL SERVICE  
 26 AGENCY.

27 (3) THE DEPARTMENT SHALL SUBMIT EACH REPORT CREATED  
 28 UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE SENATE FINANCE COMMITTEE

1 AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN  
2 ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2022.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.