

Chapter 865

(House Bill 189)

AN ACT concerning

**Maryland Medical Assistance Program – ~~Provider Agencies and~~ Personal Care Aides – ~~Reimbursement and Wage Reports~~ (~~Homecare Workers Employment Act of 2024~~)**

FOR the purpose of requiring ~~provider~~ residential service agencies to submit certain reports to the Maryland Department of Labor regarding wage rates for personal care aides; ~~requiring the Maryland Department of Health to submit certain reports regarding reimbursement rates for provider agencies~~ requiring the Maryland Department of Health to report to certain committees of the General Assembly within a certain time period after the release of the final federal Ensuring Access to Medicaid Services rule on an overview of the final rule and plans or steps that the Department will take to operationalize the rule; and generally relating to personal care services reimbursed by the Maryland Medical Assistance Program.

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

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

**Article – Health – General**

**15–155.**

(A) ~~(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(2) “PERSONAL CARE, “PERSONAL CARE AIDE” MEANS AN INDIVIDUAL WHO PROVIDES PERSONAL ASSISTANCE SERVICES THROUGH A RESIDENTIAL SERVICE AGENCY.~~

~~(3) “PROVIDER AGENCY” MEANS AN ENTITY THAT PAYS A PERSONAL CARE AIDE TO PROVIDE PERSONAL ASSISTANCE SERVICES THAT ARE REIMBURSABLE BY THE PROGRAM UNDER A MEDICAID HOME AND COMMUNITY BASED SERVICES PROGRAM.~~

**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS SECTION APPLIES ONLY TO PERSONAL ASSISTANCE SERVICES PROVIDED THROUGH A RESIDENTIAL SERVICE AGENCY UNDER COMMUNITY FIRST CHOICE, COMMUNITY OPTIONS, COMMUNITY PERSONAL ASSISTANCE SERVICES, AND ANY OTHER HOME- AND COMMUNITY-BASED SERVICES ADMINISTERED BY THE DEPARTMENT.**

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

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

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

**(I) DOCUMENTATION OF THE ~~PROVIDER~~ RESIDENTIAL SERVICE AGENCY’S:**

**1. AVERAGE WAGE RATE FOR PERSONAL CARE AIDES;**

**AND**

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

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

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

~~**(D) (1) THE DEPARTMENT SHALL:**~~

~~**(i) FOR HOME AND COMMUNITY-BASED SERVICES PROVIDED UNDER PROGRAM M00Q01.03 MEDICAL CARE PROVIDER REIMBURSEMENTS MEDICAL CARE PROGRAMS ADMINISTRATION OF THE RARE AND EXPENSIVE CASE MANAGEMENT PROGRAM;**~~

~~1. COMPARE THE RATE OF REIMBURSEMENT WITH THE ACTUAL COST TO PROVIDER AGENCIES, TO THE EXTENT INFORMATION IS PUBLICLY AVAILABLE, FOR:~~

~~A. PROVIDING CARE TO INDIVIDUALS APPROVED FOR DIRECT CARE SERVICES;~~

~~B. COORDINATING CARE SERVICES; AND~~

~~C. PROVIDING ANY OTHER SERVICES; AND~~

~~2. REVIEW:~~

~~A. SPECIFIC SERVICES REQUIRED TO BE PROVIDED;~~

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

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

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

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

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

~~1. ENTITIES PROVIDING ADULT MEDICAL DAY CARE;~~

~~2. PRIVATE DUTY NURSES;~~

~~3. ASSISTED LIVING PROVIDERS; AND~~

~~4. PERSONAL CARE ASSISTANCE PROVIDERS;~~

~~(IV) COMPARE THE RATE OF REIMBURSEMENT VERSUS THE ACTUAL COST TO PROVIDE PERSONAL ASSISTANCE SERVICES TO INDIVIDUALS UNDER THE COMMUNITY FIRST CHOICE, COMMUNITY OPTIONS, COMMUNITY~~

~~PERSONAL ASSISTANCE SERVICES, AND ANY OTHER HOME OR COMMUNITY BASED SERVICES ADMINISTERED BY THE DEPARTMENT;~~

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

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

~~(2) ON OR BEFORE SEPTEMBER 30, 2026, AND EVERY 2 YEARS THEREAFTER, THE DEPARTMENT SHALL SUBMIT ITS FINDINGS AND RECOMMENDATIONS, INCLUDING ANY PROPOSED LEGISLATIVE OR REGULATORY CHANGES, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) On or before the 180th day after the release of the final federal Ensuring Access to Medicaid Services rule, the Maryland Department of Health shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2-1257 of the State Government Article, on an overview of the final rule and plans or steps that the Department will take to operationalize the rule.

(b) The report required under subsection (a) of this section shall include:

(1) the process that the Department will use to review wage reports of personal care aides; and

(2) how the data will be used to review Medicaid reimbursement rates as outlined in the rule.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2024.

Approved by the Governor, May 16, 2024.