

SENATE BILL 863

J1

2lr1890
CF HB 981

By: **Senator McCray**

Introduced and read first time: February 7, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Personal Care Aides – Reimbursement**
3 **and Required Wage**

4 FOR the purpose of requiring the Maryland Medical Assistance Program to increase the
5 reimbursement rate for Program long-term services and supports by a certain
6 percentage; requiring a provider agency to pay a certain minimum wage to certain
7 personal care aides; requiring a provider agency to submit certain cost reports to the
8 Maryland Department of Health; authorizing the Department to take certain
9 enforcement actions; and generally relating to personal care services reimbursed by
10 the Maryland Medical Assistance Program.

11 BY adding to
12 Article – Health – General
13 Section 15–150
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

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 **15–150.**

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 CARE AS DEFINED IN § 19–301 OF THIS ARTICLE.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) "PROVIDER AGENCY" MEANS AN ENTITY THAT PAYS PERSONAL CARE AIDES TO PROVIDE LONG-TERM SERVICES AND SUPPORTS THAT ARE REIMBURSABLE BY THE PROGRAM.

(B) ON OR BEFORE JULY 1, 2023, THE DEPARTMENT SHALL INCREASE THE REIMBURSEMENT RATE FOR PERSONAL CARE SERVICES PROVIDED UNDER THE PROGRAM'S LONG-TERM SERVICES AND SUPPORTS BY 15%.

(C) (1) ON OR BEFORE JULY 1, 2023, A PROVIDER AGENCY SHALL BEGIN TO PAY A PERSONAL CARE AIDE WHO PROVIDES LONG TERM SERVICES AND SUPPORTS A WAGE RATE OF AT LEAST \$16 PER HOUR.

(2) A PROVIDER AGENCY SHALL PROVIDE NOTICE TO EACH PERSONAL CARE AIDE PAID BY THE AGENCY TO PROVIDE LONG-TERM SERVICES AND SUPPORTS OF THE DAY ON WHICH THE WAGE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION WILL TAKE EFFECT AND THE RATE THAT THE PERSONAL CARE AIDE WILL BE PAID FOLLOWING THE WAGE INCREASE.

(3) THE DEPARTMENT SHALL DEVELOP A PROCESS FOR A PERSONAL CARE AIDE TO REPORT A PROVIDER AGENCY'S FAILURE TO COMPLY WITH THE WAGE RATE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) (1) EACH YEAR, A PROVIDER AGENCY SHALL SUBMIT A COST REPORT IN THE FORM AND MANNER REQUIRED BY THE DEPARTMENT.

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

(I) DOCUMENTATION OF THE PROVIDER AGENCY'S COMPLIANCE WITH THE WAGE RATE ESTABLISHED UNDER SUBSECTION (C)(1) OF THIS SECTION;

(II) DOCUMENTATION OF THE PROVIDER AGENCY'S COMPLIANCE WITH THE NOTICE REQUIREMENT UNDER SUBSECTION (C)(2) OF THIS SECTION FOR EACH PERSONAL CARE AIDE EMPLOYED BY THE PROVIDER AGENCY; AND

(III) THE SIGNATURE OF AN AUTHORIZED REPRESENTATIVE OF THE PROVIDER AGENCY, SIGNED UNDER PENALTY OF PERJURY.

(3) ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING IN 2023, A PROVIDER AGENCY SHALL SUBMIT TO THE DEPARTMENT THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

1 **(E) (1) THE DEPARTMENT MAY TAKE APPROPRIATE ENFORCEMENT**
2 **ACTION AGAINST A PROVIDER AGENCY IF THE PROVIDER AGENCY:**

3 **(I) FAILS TO SUBMIT A COST REPORT AS REQUIRED;**

4 **(II) SUBMITS AN INACCURATE, INCOMPLETE, OR INVALID COST**
5 **REPORT; OR**

6 **(III) FAILS TO PAY A PERSONAL CARE AIDE THE AMOUNT**
7 **REQUIRED UNDER SUBSECTION (C)(1) OF THIS SECTION.**

8 **(2) APPROPRIATE ENFORCEMENT ACTION MAY INCLUDE:**

9 **(I) RECOUPMENT BY THE DEPARTMENT OF FUNDING**
10 **RESULTING FROM THE REIMBURSEMENT RATE INCREASE UNDER SUBSECTION (B)**
11 **OF THIS SECTION;**

12 **(II) IMPOSITION OF A CORRECTIVE ACTION PLAN;**

13 **(III) SUSPENSION OR TERMINATION FROM THE PROGRAM; AND**

14 **(IV) TERMINATION OF LICENSURE.**

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