



General Assembly Weekly Report
Week ending January March 15, 2024
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General Updates

Today is the courtesy date, meaning that committees need to vote bills from their committee today in order to ensure passage by Monday (cross-over date). As such, both chambers have been holding double sessions and voting sessions have been going late into the night.

As far as budget, the Senate has passed the budget, and the House is considering it next week. Three percent has remained in the bill for Medicaid rate increases. Given the looming future budget deficit, the House and Senate have differing opinions, where the House is considering revenue packages (taxes), and the Senate is stating no increases this year.

Below are some key updates but, please note, anything can change between today and Monday (and more can change after Monday)!

- *Bills that have crossed over to the opposite chamber and are now considered timely.*

Senate Bill 825: Health Facilities – Delegation of Inspection Authority – Related Institutions and Nursing Homes, which would allow counties and municipalities to conduct inspections. The Senate has passed the bill (45-0) with amendments that limit it to counties (on their request) and only for nursing home inspections and requires that the county and the State equally share in the cost.

House Bill 874/Senate Bill 613: State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers was voted favorable with amendments (amendment was on the content of the status reports by the Board) in both the Senate and the House of Delegates. This bill extends the timeframe for licensure of managers by the Board to July 1, 2026 and extends the time for small providers (4 beds and less) to take the 80-hour course to July 1, 2026. The course requirements have been altered to allow both in person and virtual without the 25-hour limitation on non-direct interaction.

Senate Bill 485/House Bill 571: Family and Medical Leave Insurance Program – Revisions has passed the Senate. Among other amendments, the contribution rate for employees/employers is July 1, 2025 (rather than October 1, 2024); the date to set the contribution rate will be February 1, 2025 (after this date, it will be November 15th of each year); and the date for employees taking leave is July 1, 2026.

House Bill 189: Maryland Medicaid Assistance – Personal Care Aides – Wage Rates passed the House of Delegates by a vote of 106-30. It will be heard in the Senate Finance Committee

after cross-over (March 19th). As amended, this bill requires RSAs to report wage data to the Maryland Department of Labor on an annual basis and requires MDH to report on the process it will use for implementation of the Medicaid Access Rule, if implemented by CMS.

House Bill 39: Residential Service Agencies - Reimbursement - Personal Assistance Services (Homecare Worker Rights Act of 2024) has been voted favorable by both chambers and will be heard by the opposite chamber as well after cross-over. The bill requires that RSAs that hire personal care workers and participate in the Medicaid program only use W2 and not 1099 workers. The bill has a delayed effective date of October 1, 2025.

- *Bills that have been voted favorable in at least one committee.*

Senate Bill 999: Certified Nursing Assistants – Licensing Requirements and Administrative Updates has passed both the House and Senate committees. This bill will ensure that all nursing training programs comply with the federal requirements currently specified for nursing homes and that all graduates take the necessary examination. Current CNAs will not be required to make any changes. This law will have a delayed effective date (October 1, 2025) to ensure that the training programs can comply and allow time for MBON to change their systems.

- *Bills that are actively being considered in at least one committee.*

Senate Bill 73/House Bill 68: Continuing Care Retirement Communities - Governing Bodies, Grievances, and Entrance Fees. This bill has been voted favorably with amendments by the HGO subcommittee but still needs to be voted on by the full Committee. No action yet in the Senate Finance Committee. Changes to the refund policy and board composition have been removed from the bill. The bill basically focuses on transparency and some additional disclosure items, such as posting the disclosure agreement on the CCRC website, requiring quarterly meetings between CCRC and residents rather than an annual meeting, including a summary of internal grievances submitted.

Senate Bill 1000/House Bill 1122: Nursing Home – Acquisitions – Revision. The bill has been voted favorably with amendments in the HGO subcommittee but still needs to be voted on by the full Committee. No action yet in the Senate committee but it is expected to adopt the same amendments. Among other provisions, the amendments reduce the timeframe for submitting an acquisition request from 120 days to 60 days; requires a decision to be made within that timeframe from either the Executive Director of the Commission or the Commission itself; establishes a waiver process for reducing triple/quad units to doubles/single (only when there is an acquisition) and extends the time that reduced beds must be delicensed.

House Bill 723/Senate Bill 863: Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties, which would authorize the Attorney General to seek injunctive relief against a nursing home or an assisted living program on the basis of an imminent or ongoing violation of a basic right and would establish up to a \$10,000 penalty for each violation. The bill has been voted favorably with amendments in the HGO subcommittee but still needs to be voted on by the full Committee. No action yet in the Senate committee but it is expected to adopt the same amendments. LifeSpan opposed and worked to address concerns. The Attorney General himself testified and said it was his office’s “number one priority.” The amendments remove the penalties, qualify that injunctive relief can only be sought to “reduce irreparable harm” and states that the AG may not duplicate corrective action taken.

- *Bills that have seen no action and will most likely not pass before Monday (cross over).*

House Bill 525/Senate Bill 513: Employment Discrimination - Use of Cannabis Products remains in both the House and Senate committees and will likely not move this Session.

House Bill 790/Senate Bill 347: Medical Cannabis – Employees in Health Care Settings Caring for Qualifying Patients, which authorizes a qualifying patient to obtain medical cannabis through “designated medical personnel” and authorizes the “designated medical personnel” to administer medical cannabis to qualifying patients, remains in both the House and Senate committees and will likely not move this Session.

House Bill 1177: Continuing Care Retirement Communities – Subscriber Rights and Provider Duties, which requires an extensive “Subscriber’s Bill of Rights,” has not yet been considered in the HGO Committee.

Senate Bill 813/House Bill 1153: Health Care Facilities – Use of Telephones, which requires a health care facility to provide access to a telephone, including in a patient/resident room. Neither committee has considered this bill; however, during the HGO Committee hearing, the Chair did ask the sponsor to convene a meeting during the interim to further discuss to ensure that residents/patients have sufficient phone access.