

HOUSE BILL 783

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8lr1922

By: **Delegates Robinson, Anderson, Conaway, Glenn, Hammen, Harrison, Haynes, Kirk, McHale, and Taylor**

Introduced and read first time: February 4, 2008

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Community Attendant Services and Supports Program – Personal Assistants**
3 **– Requirements for Family Members**

4 FOR the purpose of requiring family members who participate in the Community
5 Attendant Services and Supports Program as personal assistants to submit
6 certain evidence to the Department of Human Resources in order to receive
7 certain medical assistance payments; and generally relating to the Community
8 Attendant Services and Supports Program.

9 BY repealing and reenacting, without amendments,
10 Article – Human Services
11 Section 7–502(a)
12 Annotated Code of Maryland
13 (2007 Volume)

14 BY repealing and reenacting, with amendments,
15 Article – Human Services
16 Section 7–505
17 Annotated Code of Maryland
18 (2007 Volume)

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

21 **Article – Human Services**

22 7–502.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) Subject to the State budget and in collaboration with the Department of
2 Health and Mental Hygiene, the Department of Human Resources shall administer a
3 comprehensive program of community attendant services and supports.

4 7-505.

5 (a) (1) To the extent possible, a consumer may select, manage, and control
6 the consumer's community attendant services and supports.

7 (2) A consumer may choose between a consumer-directed individual
8 provider model or an agency-provider model.

9 (3) Under a consumer-directed model, a consumer may use a fiscal
10 agent to obtain services.

11 (b) (1) Attendant services and supports shall be designed to assist a
12 consumer in accomplishing activities of daily living and health-related functions
13 through:

14 (i) hands-on assistance;

15 (ii) supervision; or

16 (iii) cueing, prompting, or reminding the consumer about an
17 activity.

18 (2) Attendant services and supports shall be provided in a consumer's
19 home or other independent or supported living environment, including school, work,
20 recreational, and religious settings.

21 (3) Attendant services and supports may not be provided in:

22 (i) a nursing facility;

23 (ii) an intermediate care facility for the mentally retarded; or

24 (iii) a facility that provides food, shelter, and treatment services
25 to four or more individuals unrelated to the proprietor.

26 (c) Community attendant services and supports shall be available 24 hours a
27 day, 7 days a week, and provide backup and emergency community attendant services
28 and supports when necessary.

29 (d) (1) A consumer may select or hire anyone, including a family member,
30 as a personal assistant.

1 (2) Based on consumer recommendations, the Department may waive
2 certain qualifications required by regulation for a personal assistant, if the personal
3 assistant is a family member or is known and chosen by the consumer.

4 (3) **(I) [A] SUBJECT TO SUBPARAGRAPH (II) OF THIS**
5 **PARAGRAPH, A family member, except the consumer's spouse, may receive medical**
6 **assistance payments for providing services.**

7 **(II) AS A CONDITION OF RECEIVING MEDICAL ASSISTANCE**
8 **PAYMENTS FOR PROVIDING SERVICES AS AUTHORIZED BY SUBPARAGRAPH (I)**
9 **OF THIS PARAGRAPH, A FAMILY MEMBER SHALL SUBMIT EVIDENCE THAT IS**
10 **SATISFACTORY TO THE DEPARTMENT THAT THE FAMILY MEMBER:**

11 **1. HAS RECEIVED TRAINING THAT IS EQUIVALENT TO**
12 **THE TRAINING REQUIRED FOR A CERTIFIED NURSING ASSISTANT OR A**
13 **CERTIFIED LIVING ASSISTANT; AND**

14 **2. HAS RECEIVED TRAINING ON BUSINESS**
15 **OPERATIONS, SUCH AS SCHEDULING AND FINANCIAL MANAGEMENT.**

16 (4) The Department shall offer a consumer training on:

17 (i) how to select, manage, and dismiss an attendant or personal
18 assistant; and

19 (ii) the financial management of community attendant services
20 and supports.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2008.