



Sample Language for Minimum Wage Legislation

Mandated Adjustments for Community Behavioral Health Providers

A BILL ENTITLED

AN ACT concerning

Labor and Employment – Payment of the Minimum Wage Required (Fight for Fifteen)

FOR the purpose of specifying the State minimum wage rate that is in effect for certain time periods; increasing, except under certain circumstances, the State minimum wage rate in effect for certain periods of time based on annual growth in a certain consumer price index; requiring the Commissioner of Labor and Industry, beginning at a certain time, to annually determine and announce the growth in the consumer price index, if any, and the new State minimum wage rate; repealing certain provisions of law that authorize certain employers to pay certain employees a certain wage that is less than the State minimum wage under certain circumstances; specifying the tip credit amount that is in effect for certain time periods; prohibiting an employer, beginning on a certain date, from including a tip credit amount as part of the wage of certain employees; requiring an employer, beginning at a certain time, to pay certain employees a wage that is at least equal to the State minimum wage rate; requiring the Governor, in certain fiscal years, to include in a certain budget proposal certain funding increases to reimburse community services **and certain health care providers** ; defining certain terms; and generally relating to the payment of wages.

BY repealing and reenacting, with amendments,

Article – Health – General 21
Section 7–307
Annotated Code of Maryland
(2015 Replacement Volume and 2017 Supplement)

BY adding to

Article – Health – General
Section 16–201.3
Annotated Code of Maryland
(2015 Replacement Volume and 2016 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 3–413 and 3–419
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

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.

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That the Laws of Maryland read as follows:

Article – Health – General

7–307.

(a) (1) In this section the following words have the meanings indicated.

(2) “Community direct service worker” means an employee of a community provider that provides treatment or services to developmentally disabled individuals.

(3) “Community provider” means a community–based agency or program funded by the Administration to serve individuals with developmental disabilities.

(4) “Rate” means the reimbursement rate paid by the Department to a community provider from the State General Fund, Maryland Medical Assistance Program funds, other State or federal funds, or a combination of funds.

(b) Notwithstanding the provisions of this title or any other provision of law, the Department shall reimburse community providers as provided in this section.

(c) Subject to subsection (d) of this section, the Department shall increase the rate of reimbursement for community services providers each fiscal year by the amount of rate increase included in the State budget for that fiscal year.

(d) (1) The Governor’s proposed budget for fiscal year 2016 shall include a 3.5% rate increase for community service providers over the funding provided in the legislative appropriation for Object 08 Contractual Services in Program M00M01.02 22 Community Services for fiscal year 2015.

(2) The Governor’s proposed budget for fiscal year 2017 shall include a 3.5% rate increase for community service providers over the funding provided in the legislative appropriation for Object 08 Contractual Services in Program M00M01.02 Community Services for fiscal year 2016.

(3) The Governor’s proposed budget for fiscal year 2018 shall include a 3.5% rate increase for community service providers over the funding provided in the legislative appropriation for Object 08 Contractual Services in Program M00M01.02 Community Services for fiscal year 2017.

(4) The Governor’s proposed budget for fiscal year 2019 shall include a 3.5% rate increase for community service providers over the funding provided in the legislative appropriation for Object 08 Contractual Services in Program M00M01.02 Community Services for fiscal year 2018.

(5) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2020 SHALL INCLUDE A 7% RATE INCREASE FOR COMMUNITY SERVICES OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2019.

(6) THE GOVERNOR’S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY SERVICES OVER THE 8 FUNDING PROVIDED IN THE LEGISLATIVE

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APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2020.

(7) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY SERVICES OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2021.

(8) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY SERVICES OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR FISCAL YEAR 2022.

(9) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY SERVICES OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 24 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR 25 FISCAL YEAR 2023.

(10) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2025, AND FOR EACH FISCAL YEAR THEREAFTER, SHALL INCLUDE A PERCENTAGE RATE INCREASE THAT IS NOT LESS THAN THE PERCENTAGE INDEXED INCREASE IN THE STATE MINIMUM WAGE RATE UNDER § 3-413 OF THE LABOR AND EMPLOYMENT ARTICLE FOR COMMUNITY SERVICES OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00M01.02 COMMUNITY SERVICES FOR THE IMMEDIATELY PRECEDING FISCAL YEAR.

(e) The Governor's proposed budget for fiscal year 2016 and thereafter for 35 community service providers shall be presented in the same manner, including object and 36 program information, as provided for in the fiscal year 2015 budget.

(f) A portion of the funds in subsection (e) of this section may be allocated to address the impact of an increase in the State minimum wage on wages and benefits of direct support workers employed by community providers licensed by the Developmental Disabilities Administration.

Article – Health – General

16-201.3

(d) (1) The Governor's proposed budget for fiscal year 2019 [and fiscal year 2020] shall include a 3.5% rate increase for community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:

(i) Object 08 Contractual Services in Program M00Q01.10 Medicaid Behavioral Health Provider Reimbursement – Medical Care Programs Administration;

(ii) Object 08 Contractual Services in Program M00L01.02 Community Services – Behavioral Health Administration; and

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(iii) Object 08 Contractual Services in Program M00L01.03 Community Services for Medicaid State Fund Recipients – Behavioral Health Administration.

(2) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2020 SHALL INCLUDE A 7% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(i) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(ii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(iii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

(3) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2021 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(i) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(ii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(iii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

(4) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2022 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(i) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(ii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(iii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

(5) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2023 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(i) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(ii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(iii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

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(6) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2024 SHALL INCLUDE A 5.5% RATE INCREASE FOR COMMUNITY PROVIDERS OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATION FOR THE IMMEDIATELY PRECEDING FISCAL YEAR FOR EACH OF THE FOLLOWING:

(i) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(ii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(iii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

(7) THE GOVERNOR'S PROPOSED BUDGET FOR FISCAL YEAR 2025, AND FOR EACH FISCAL YEAR THEREAFTER, SHALL INCLUDE A PERCENTAGE RATE INCREASE THAT IS NOT LESS THAN THE PERCENTAGE INDEXED INCREASE IN THE STATE MINIMUM WAGE RATE UNDER § 3-413 OF THE LABOR AND EMPLOYMENT ARTICLE FOR COMMUNITY SERVICES OVER THE FUNDING PROVIDED IN THE LEGISLATIVE APPROPRIATIONS FOR THE PRECEDING FISCAL YEAR FOR:

(i) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00Q01.10 MEDICAID BEHAVIORAL HEALTH PROVIDER REIMBURSEMENT – MEDICAL CARE PROGRAMS ADMINISTRATION;

(ii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.02 COMMUNITY SERVICES – BEHAVIORAL HEALTH ADMINISTRATION; AND

(iii) OBJECT 08 CONTRACTUAL SERVICES IN PROGRAM M00L01.03 COMMUNITY SERVICES FOR MEDICAID STATE FUND RECIPIENTS – BEHAVIORAL HEALTH ADMINISTRATION.

~~(8 [2]- If the Behavioral Health Administration does not implement the payment system required under subsection (e) of this section for use in fiscal year 2021, the Governor's proposed budget for fiscal year 2021 shall include a 3% rate increase for community providers over the funding provided in the legislative appropriation for the immediately preceding fiscal year for each of the following:~~

~~(i) Object 08 Contractual Services in Program M00Q01.01 Medicaid Behavioral Health Provider Reimbursement – Medical Care Programs Administration;~~

~~(ii) Object 08 Contractual Services in Program M00L01.02 Community Services – Behavioral Health Administration; and~~

~~(iii) Object 08 Contractual Services in Program M00L01.03 Community Services for Medicaid State Fund Recipients – Behavioral Health Administration.~~

~~(3) The Governor's proposed budget for fiscal years 2019 through 2021 for community providers shall be presented in the same manner, including object and program information, as in the fiscal year 2018 budget.~~

(e) IF SERVICES PROVIDED BY COMMUNITY PROVIDERS ARE PROVIDED THROUGH MANAGED CARE ORGANIZATIONS, THE MANAGED CARE ORGANIZATIONS SHALL:

(1) PAY THE RATE IN EFFECT DURING THE IMMEDIATELY PRECEDING FISCAL YEAR FOR THE FIRST FISCAL YEAR THE MANAGED CARE ORGANIZATIONS PROVIDE THE SERVICES;

(2) ADJUST THE RATE OF REIMBURSEMENT FOR COMMUNITY PROVIDERS EACH FISCAL YEAR BY AT LEAST THE SAME AMOUNT THAT OTHERWISE WOULD HAVE BEEN REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.