



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

**To:** Residential Services Agency Providers

**From:** Robert R. Neall, Secretary  
Maryland Department of Health

**Re:** COVID-19 #5: Temporary Authorization of Legally-Responsible Family Members to be Paid to Provide Personal Assistance Services Delivered During the State of Emergency and Other Waivers

**NOTE:** Please ensure appropriate staff members in your organization are informed of the contents of this memorandum

### Background

On March 5, 2020, Governor Lawrence J. Hogan, Jr., declared a state of emergency due to disease (“COVID-19”) caused by the novel coronavirus. An outbreak of disease due to COVID-19 first occurred in the Hubei Province, China, in late 2019, and has currently been detected in more than 109 countries, including the United States. COVID-19 is a severe respiratory disease, resulting in illness or death, caused by person-to-person spread of the novel coronavirus.

The measures outlined in this document are restricted to use during the emergency declared by Governor Hogan to deal with the threat of COVID-19 and will expire immediately at the end of the declared emergency or revised by additional orders such that the Secretary’s authority to issue this guidance no longer exists.

### Enrolling Legally-Responsible Family Members

The Department is allowing Residential Services Agencies to enroll legally-responsible family members (spouses and parents of minor children) to provide Medicaid reimbursable personal assistance services in the home (COMAR 10.09.20.05, COMAR 10.09.81.13, COMAR 10.09.84.06(C)).

### Participant Right to Waive Certain Provider Requirements

Participants who receive personal assistance services may:

1. Waive the results of the criminal background check of the legally-responsible family member;
2. Waive the requirement for the legally-responsible family member who is providing personal assistance services to be Cardiopulmonary Resuscitation (CPR) trained;

**Residential Service Agency Waiving the Health Screen and PPD test**

Residential Service Agencies may waive the basic health screen and PPD skin test as a condition of employment for all personal assistance workers serving individuals enrolled in Medicaid or a waiver program, including legally-responsible family members.

**Billing and Payment**

Legally-responsible family members will be paid through the Residential Service Agency who has employed their services.

**Tracking Legally-Responsible Family Members**

The authority to hire and pay legally-responsible family members will terminate after the state of emergency ends. Residential Service Agency Providers will be required to remove such family members as employees. It will be important to track these legally-responsible family members separately in your employment systems.