

SENATE BILL 550
EMERGENCY BILL

Unofficial Copy
J3

2004 Regular Session
(41r2348)

ENROLLED BILL

-- Education, Health, and Environmental Affairs/Health and Government Operations --

Introduced by **Senators Harris and Hollinger**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER 132

1 AN ACT concerning

2 **Health - General - Nursing Referral Service Agencies - Licensing**

3 FOR the purpose of exempting certain nursing referral service agencies and certain
4 nurse registries from certain definitions; providing for the scope of this Act;
5 ~~requiring the Department of Health and Mental Hygiene to adopt certain~~
6 ~~regulations; requiring the regulations to provide for the establishment of certain~~
7 ~~agencies, the qualifications for licensure as certain agencies, the issuance of~~
8 ~~certain licenses, the renewal of certain licenses, and a procedure for the~~
9 ~~investigation of certain complaints;~~ providing for the expiration of certain
10 licenses under certain circumstances; authorizing the Department *of Health and*
11 *Mental Hygiene* to issue, deny, suspend, or revoke certain licenses; ~~requiring the~~
12 ~~Department to set certain fees; requiring certain individuals to be licensed~~
13 ~~before a nursing referral service agency to obtain a license from the Department~~
14 ~~prior to~~ operating certain agencies; requiring certain applicants to meet certain
15 requirements; ~~requiring certain agencies to develop and implement certain~~
16 ~~procedures relating to the screening of certain licensed health professionals;~~
17 requiring certain agencies to ~~notify certain licensed health professionals and~~

1 certain clients of certain complaint procedures; prohibiting certain agencies
 2 from maintaining certain relationships with certain licensed health
 3 professionals; exempting certain agencies from the payment of certain
 4 compensation; authorizing the Department to inspect certain agencies; institute
 5 a certain complaint investigation process; requiring a nursing referral service
 6 agency to apply for a certain criminal history records check or request a certain
 7 background check; establishing certain requirements for the criminal history
 8 records check and the background check; requiring the Department to adopt
 9 certain regulations; prohibiting the regulations from precluding a nursing
 10 referral service agency from operating in a certain manner; requiring the
 11 Department to issue a certain license under certain circumstances; authorizing
 12 the Department to suspend or revoke a certain license under certain
 13 circumstances; prohibiting certain individuals from operating certain agencies
 14 under certain circumstances; providing for certain penalties for certain
 15 violations; providing that the granting of a certain license does not constitute a
 16 finding of a certain fact and may not give rise to a certain presumption; defining
 17 certain terms; making this Act an emergency measure; and generally relating to
 18 nursing referral service agencies.

19 BY repealing and reenacting, with amendments,
 20 Article - Business Regulation
 21 Section 9-101(d)
 22 Annotated Code of Maryland
 23 (1998 Replacement Volume and 2003 Supplement)

24 BY repealing and reenacting, with amendments,
 25 Article - Health - General
 26 Section 19-401(c) and 19-4A-01(e)
 27 Annotated Code of Maryland
 28 (2000 Replacement Volume and 2003 Supplement)

29 BY adding to
 30 Article - Health - General
 31 Section 19-4B-01 through ~~19-4B-09~~ 19-4B-06, inclusive, to be under the new
 32 subtitle "Subtitle 4B. Nursing Referral Service Agencies"
 33 Annotated Code of Maryland
 34 (2000 Replacement Volume and 2003 Supplement)

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

37 **Article - Business Regulation**

38 9-101.

39 (d) (1) "Employment agency" means a person who, for a fee:

- 1 (i) obtains, offers to obtain, or attempts to obtain:
2 1. an employee for a person who seeks an employee; or
3 2. employment for a client;
- 4 (ii) provides to a client information to enable the client to obtain
5 employment;
- 6 (iii) obtains, offers to obtain, or attempts to obtain employment or
7 an engagement in connection with an entertainment, exhibition, or performance,
8 including:
- 9 1. a ballet;
10 2. a circus;
11 3. a concert;
12 4. the legitimate theater;
13 5. modeling;
14 6. a motion picture;
15 7. an opera;
16 8. a phonograph recording;
17 9. the radio;
18 10. a transcription;
19 11. television;
20 12. the variety field; or
21 13. vaudeville; or
- 22 (iv) 1. obtains, offers to obtain, or attempts to obtain an alien
23 labor certification or immigrant visa for an individual; and
- 24 2. participates directly or indirectly in the recruitment or
25 supply of an individual who resides outside of the continental United States for
26 employment in the continental United States.
- 27 (2) "Employment agency" does not include a person who merely:
- 28 (i) conducts a business that directly employs individuals to provide
29 part-time or temporary services to another person;

1 (ii) as a lawyer, directly obtains an immigrant visa for an
2 individual; [or]

3 (iii) conducts a business that:

4 1. receives a fee that is paid wholly by an employer;

5 2. does not collect money from an individual seeking
6 employment; and

7 3. does not require an individual seeking employment to
8 make a contract; OR

9 (IV) OPERATES A NURSING REFERRAL SERVICE AGENCY THAT IS
10 LICENSED UNDER TITLE 19, SUBTITLE 4B OF THE HEALTH - GENERAL ARTICLE.

11 **Article - Health - General**

12 19-401.

13 (c) (1) "Home health care" means any of the following services that are
14 provided under the general direction of a licensed health professional practicing
15 within the scope of their practice act:

16 (i) Audiology and speech pathology;

17 (ii) Dietary and nutritional services;

18 (iii) Drug services;

19 (iv) Home health aid;

20 (v) Laboratory;

21 (vi) Medical social services;

22 (vii) Nursing;

23 (viii) Occupational therapy;

24 (ix) Physical therapy; OR

25 (x) Provision of medically necessary sickroom equipment and
26 supplies; or

27 (xi) A nurse registry that is an employment agency under the
28 provisions of the Maryland Employment Agency Act].

29 (2) However, the provisions of this subsection do not apply to:

1 (I) A NURSING REFERRAL SERVICE AGENCY THAT IS LICENSED AS
2 A NURSING REFERRAL SERVICE AGENCY UNDER THE PROVISIONS OF SUBTITLE 4B
3 OF THIS TITLE; OR

4 (II) [a] A home-based hospice care program that is licensed as a
5 home-based hospice care program under the provisions of Subtitle 9 of this title.

6 (3) A home health agency shall also be licensed as a hospice care
7 program if the home health agency operates a hospice care program that is distinct
8 from its other services.

9 19-4A-01.

10 (e) (1) "Residential service agency" means any person that is engaged in a
11 nongovernmental business of employing or contracting with individuals to provide
12 home health care for compensation to an unrelated sick or disabled individual in the
13 residence of that individual.

14 (2) "Residential service agency" includes[:

15 (i) Any] ANY agency that employs or contracts with individuals
16 directly for hire as home health care providers[; or

17 (ii) A nurse registry that is an employment agency under the
18 provisions of the Maryland Employment Agency Act that:

19 1. Screens or refers individuals for a client's selection or
20 rejection, as its sole business operation; and

21 2. Does not itself provide any home health care service].

22 (3) "Residential service agency" does not include:

23 (i) A home health agency that is licensed under the provisions of
24 Subtitle 4 of this title;

25 (ii) A person required to be licensed as a home health agency under
26 the provisions of Subtitle 4 of this title;

27 (iii) A home-based hospice care program that is licensed under the
28 provisions of Subtitle 9 of this title;

29 (iv) A hospital that is licensed under the provisions of Subtitle 3 of
30 this title;

31 (v) A related institution that is licensed under the provisions of
32 Subtitle 3 of this title;

33 (vi) Personal care providers under the Medical Assistance Personal
34 Care Program;

1 (vii) Any person practicing a health occupation that the person is
2 authorized to practice under the Health Occupations Article;

3 (VIII) A NURSING REFERRAL SERVICE AGENCY THAT IS LICENSED
4 UNDER SUBTITLE 4B OF THIS TITLE;

5 [(viii)] (IX) A group of persons licensed under the same title of the
6 Health Occupations Article practicing as a business; or

7 [(ix)] (X) Residential rehabilitation services providers approved
8 under regulations adopted by the State Mental Health Authority.

9 SUBTITLE 4B. NURSING REFERRAL SERVICE AGENCIES.

10 19-4B-01.

11 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 ~~(B)~~ (B) "BACKGROUND CHECK" HAS THE MEANING STATED IN § 19-1901 OF THIS
14 TITLE.

15 ~~(B)~~ (C) "CARE PROVIDER" MEANS AN INDIVIDUAL WHO PROVIDES HEALTH
16 CARE SERVICES AND ASSISTANCE TO A CLIENT IN THE ACTIVITIES OF DAILY LIVING,
17 INCLUDING:

18 (1) BATHING, TOILETING, AND PERSONAL HYGIENE;

19 (2) DRESSING;

20 (3) MEAL PREPARATION AND EATING;

21 (4) COMPANIONSHIP; AND

22 (5) ASSISTANCE IN PHYSICAL TRANSFER AND AMBULATION.

23 (D) "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION
24 SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
25 CORRECTIONAL SERVICES.

26 ~~(C)~~ (E) "HOME HEALTH AID SERVICES" MEANS PERSONAL AND HEALTH
27 CARE SERVICES DELIVERED TO A CLIENT BY A CARE PROVIDER.

28 ~~(B)~~ ~~(D)~~ (F) "LICENSE" MEANS A NURSING REFERRAL SERVICE AGENCY
29 LICENSE.

30 ~~(C)~~ ~~(E)~~ (G) "LICENSED HEALTH PROFESSIONAL" MEANS AN INDIVIDUAL
31 WHO IS LICENSED OR CERTIFIED UNDER THE HEALTH OCCUPATIONS ARTICLE TO
32 PROVIDE HEALTH CARE SERVICES.

1 ~~(D)~~ ~~(E)~~ (H) "NURSING REFERRAL SERVICE AGENCY" MEANS ONE OR MORE
2 INDIVIDUALS ENGAGED IN THE BUSINESS OF SCREENING AND REFERRING,
3 DIRECTLY OR IN ACCORDANCE WITH CONTRACTUAL ARRANGEMENTS THAT MAY
4 INCLUDE INDEPENDENT CONTRACTORS, LICENSED HEALTH PROFESSIONALS OR
5 CARE PROVIDERS TO CLIENTS FOR THE PROVISION OF ~~SKILLED OR CERTIFIED~~
6 NURSING SERVICES, HOME HEALTH AID SERVICES, OR OTHER HOME HEALTH CARE
7 SERVICES IN THE RESIDENCE OF THE CLIENT AT THE REQUEST OF THE CLIENT.

8 (I) "PRIVATE AGENCY" HAS THE MEANING STATED IN § 19-1901 OF THIS
9 TITLE.

10 19-4B-02.

11 THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF ANY PERSON WHO HOLDS A
12 LICENSE UNDER THIS ARTICLE TO ACT AS AUTHORIZED BY THAT LICENSE.

13 19-4B-03.

14 (A) ~~THE DEPARTMENT SHALL ADOPT REGULATIONS THAT SET STANDARDS~~
15 ~~FOR THE CARE, TREATMENT, HEALTH, SAFETY, WELFARE, AND COMFORT OF~~
16 ~~INDIVIDUALS WHO RECEIVE SERVICES THROUGH A NURSING REFERRAL SERVICE~~
17 ~~AGENCY.~~

18 (B) ~~THE REGULATIONS SHALL PROVIDE FOR:~~

19 (1) ~~THE ESTABLISHMENT OF NURSING REFERRAL SERVICE AGENCIES;~~

20 (2) ~~THE QUALIFICATIONS FOR LICENSURE AS A NURSING REFERRAL~~
21 ~~SERVICE AGENCY;~~

22 (3) ~~THE ISSUANCE OF LICENSES TO NURSING REFERRAL SERVICE~~
23 ~~AGENCIES;~~

24 (4) ~~IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE~~
25 ~~RENEWAL OF LICENSES FOR NURSING REFERRAL SERVICE AGENCIES; AND~~

26 (5) ~~A PROCEDURE FOR THE INVESTIGATION OF COMPLAINTS~~
27 ~~REGARDING NURSING REFERRAL SERVICE AGENCIES OR THE LICENSED HEALTH~~
28 ~~PROFESSIONALS SCREENED AND REFERRED BY NURSING REFERRAL SERVICE~~
29 ~~AGENCIES.~~

30 (C) (1) ~~A LICENSE EXPIRES ON THE THIRD ANNIVERSARY OF ITS EFFECTIVE~~
31 ~~DATE UNLESS:~~

32 (I) ~~THE DEPARTMENT SUSPENDS OR REVOKES THE LICENSE; OR~~

33 (II) ~~THE LICENSE IS RENEWED FOR A 3 YEAR TERM AS PROVIDED~~
34 ~~IN THIS SECTION.~~

35 (2) ~~BEFORE A LICENSE EXPIRES, A LICENSE MAY BE RENEWED FOR AN~~
36 ~~ADDITIONAL 3 YEAR TERM IF THE APPLICANT:~~

1 (I) OTHERWISE IS ENTITLED TO A LICENSE;

2 (II) PAYS TO THE SECRETARY THE RENEWAL FEE SET BY
3 REGULATION; AND

4 (III) SUBMITS TO THE SECRETARY A RENEWAL APPLICATION ON
5 THE FORM THAT THE SECRETARY REQUIRES.

6 (D) THE DEPARTMENT MAY ISSUE, DENY, SUSPEND, OR REVOKE A NURSING
7 REFERRAL SERVICE AGENCY LICENSE IN ACCORDANCE WITH THE REGULATIONS
8 ADOPTED UNDER THIS SUBTITLE.

9 (E) THE DEPARTMENT SHALL SET REASONABLE FEES FOR THE ISSUANCE
10 AND RENEWAL OF LICENSES OR OTHER SERVICES PROVIDED BY THE DEPARTMENT
11 NOT TO EXCEED THE ADMINISTRATIVE COSTS OF THE LICENSURE OF NURSING
12 REFERRAL SERVICE AGENCIES UNDER THIS SUBTITLE.

13 ~~19-4B-04.~~

14 AN INDIVIDUAL SHALL BE LICENSED BY THE DEPARTMENT BEFORE
15 OPERATING A NURSING REFERRAL SERVICE AGENCY.

16 ~~19-4B-05.~~

17 TO QUALIFY FOR A LICENSE, AN APPLICANT:

18 (1) SHALL PROVE THAT THE NURSING REFERRAL SERVICE AGENCY
19 WILL PROVIDE APPROPRIATE SCREENING AND REFERRAL SERVICES;

20 (2) SHALL MEET ANY ADDITIONAL REQUIREMENTS THAT THE
21 DEPARTMENT ADOPTS; AND

22 (3) MAY NOT BE REQUIRED TO MEET THE REQUIREMENTS OF SUBTITLE
23 ~~1 OF THIS TITLE FOR CERTIFICATE OF NEED.~~

24 ~~19-4B-06.~~

25 (A) A NURSING REFERRAL SERVICE AGENCY SHALL DEVELOP AND
26 IMPLEMENT A PROCEDURE TO SCREEN LICENSED HEALTH PROFESSIONALS THAT
27 INCLUDES AN INTERVIEW OF THE LICENSED HEALTH PROFESSIONAL AND
28 VERIFICATION OF THE LICENSED HEALTH PROFESSIONAL'S:

29 (1) CRIMINAL BACKGROUND CHECK;

30 (2) CURRENT LICENSURE OR CERTIFICATION UNDER THE HEALTH
31 OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE SERVICES;

32 (3) BASIC HEALTH STATUS;

33 (4) REFERENCES;

1 (5) EMPLOYMENT HISTORY; AND

2 (6) COMPLETION OF FEDERAL I 9 FORMS.

3 (B) A NURSING REFERRAL SERVICE AGENCY SHALL NOTIFY LICENSED
4 HEALTH PROFESSIONALS AND CLIENTS OF THE APPROPRIATE COMPLAINT PROCESS
5 AND THE DEPARTMENT'S COMPLAINT HOTLINE.

6 (C) A NURSING REFERRAL SERVICE AGENCY MAY NOT MAINTAIN AN
7 EMPLOYMENT RELATIONSHIP WITH THE LICENSED HEALTH PROFESSIONALS THAT
8 IT SCREENS AND REFERS TO CLIENTS.

9 (D) A NURSING REFERRAL SERVICE AGENCY IS NOT RESPONSIBLE FOR
10 PAYING COMPENSATION FOR THE SERVICES RENDERED BY A LICENSED HEALTH
11 PROFESSIONAL THAT IT SCREENS AND REFERS TO CLIENTS.

12 ~~19-4B-07.~~

13 THE DEPARTMENT MAY INSPECT A NURSING REFERRAL SERVICE AGENCY TO
14 DETERMINE WHETHER THE NURSING REFERRAL SERVICE AGENCY IS MEETING THE
15 REQUIREMENTS OF THIS SUBTITLE.

16 ~~19-4B-08.~~

17 (A) AN INDIVIDUAL MAY NOT OPERATE, ATTEMPT TO OPERATE, OR HOLD
18 ONE'S SELF OUT AS OPERATING A NURSING REFERRAL SERVICE AGENCY UNLESS
19 THE INDIVIDUAL IS LICENSED UNDER THIS SUBTITLE.

20 (B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A
21 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000
22 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$10,000 FOR EACH SUBSEQUENT
23 OFFENSE.

24 ~~19-4B-09.~~

25 (A) AN INDIVIDUAL WHO OPERATES A NURSING REFERRAL SERVICE AGENCY
26 IN VIOLATION OF THE REGULATIONS ADOPTED UNDER THIS SUBTITLE IS GUILTY OF
27 A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING
28 \$1,000.

29 (B) EACH DAY A VIOLATION IS CONTINUED AFTER THE FIRST CONVICTION IS
30 A SEPARATE OFFENSE.

31 (A) (1) A NURSING REFERRAL SERVICE AGENCY MAY RECEIVE A FEE OR
32 OTHER COMPENSATION FOR PROVIDING ITS SERVICES.

33 (2) A CONTRACTUAL ARRANGEMENT MAY PROVIDE THAT A NURSING
34 REFERRAL SERVICE AGENCY IS NOT RESPONSIBLE FOR PAYING ANY PART OF THE
35 COMPENSATION TO THE LICENSED HEALTH CARE PROFESSIONALS OR CARE

1 PROVIDERS THAT THE NURSING REFERRAL SERVICE AGENCY SCREENS OR REFERS
2 TO CLIENTS.

3 (3) A NURSING REFERRAL SERVICE AGENCY MAY PROVIDE
4 ADMINISTRATIVE ASSISTANCE.

5 (B) A NURSING REFERRAL SERVICE AGENCY SHALL:

6 (1) OBTAIN A LICENSE FROM THE DEPARTMENT PRIOR TO OPERATING
7 AS A NURSING REFERRAL SERVICE AGENCY;

8 (2) DEVELOP AND IMPLEMENT A PROCEDURE TO SCREEN LICENSED
9 HEALTH PROFESSIONALS AND CARE PROVIDERS THAT INCLUDES THE FOLLOWING:

10 (I) IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION:

11 1. A STATE CRIMINAL HISTORY RECORDS CHECK; OR

12 2. A PRIVATE AGENCY BACKGROUND CHECK;

13 (II) VERIFICATION OF CURRENT LICENSURE OR CERTIFICATION
14 UNDER THE HEALTH OCCUPATIONS ARTICLE;

15 (III) A BASIC HEALTH SCREENING, INCLUDING A TUBERCULOSIS
16 SCREENING;

17 (IV) VERIFICATION OF REFERENCES;

18 (V) VERIFICATION OF EMPLOYMENT HISTORY;

19 (VI) COMPLETION OF 1-9 I-9 FORMS; AND

20 (VII) AN IN-PERSON INTERVIEW OF A LICENSED HEALTH
21 PROFESSIONAL AND CARE PROVIDER BEFORE ANY REFERRAL OF THE INDIVIDUAL IS
22 MADE TO A CLIENT;

23 (3) INSTITUTE AN INTERNAL CLIENT COMPLAINT INVESTIGATION
24 PROCESS THAT INCLUDES:

25 (I) NOTICE TO THE CLIENT OR CLIENT'S REPRESENTATIVE OF THE
26 COMPLAINT PROCESS; AND

27 (II) PROTOCOLS TO INVESTIGATE COMPLAINTS;

28 (4) PROVIDE NOTICE TO CLIENTS OF THE DEPARTMENT'S COMPLAINT
29 HOTLINE NUMBER FOR COMPLAINTS ABOUT THE SERVICES PROVIDED BY AN
30 INDIVIDUAL REFERRED BY THE NURSING REFERRAL SERVICE AGENCY; AND

31 (5) ALLOW CLIENTS TO ACCEPT OR REJECT, AT THEIR DISCRETION, ANY
32 LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER REFERRED BY THE NURSING
33 REFERRAL SERVICE AGENCY.

1 (C) (1) FOR EACH LICENSED HEALTH PROFESSIONAL AND CARE PROVIDER,
2 A NURSING REFERRAL SERVICE AGENCY SHALL:

3 (I) APPLY TO THE CENTRAL REPOSITORY FOR A STATE CRIMINAL
4 HISTORY RECORDS CHECK; OR

5 (II) REQUEST A PRIVATE AGENCY TO CONDUCT A BACKGROUND
6 CHECK.

7 (2) (1) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY
8 RECORDS CHECK, THE NURSING REFERRAL SERVICE AGENCY SHALL SUBMIT TO
9 THE CENTRAL REPOSITORY:

10 1. TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS OF THE
11 LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER TAKEN ON FORMS
12 APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY; AND

13 2. THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE
14 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY
15 RECORDS.

16 (II) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE
17 CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO
18 THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER AND THE NURSING
19 REFERRAL SERVICE AGENCY A PRINTED STATEMENT LISTING THE CRIMINAL
20 CONVICTIONS OF THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER.

21 (III) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY
22 UNDER THIS SUBSECTION:

23 1. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
24 AND

25 2. MAY BE USED ONLY FOR THE SCREENING PURPOSE
26 AUTHORIZED BY THIS SUBSECTION.

27 (IV) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK
28 UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED
29 STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE
30 CRIMINAL PROCEDURE ARTICLE.

31 (3) IF A NURSING REFERRAL SERVICE AGENCY REQUESTS A PRIVATE
32 AGENCY TO CONDUCT A BACKGROUND CHECK:

33 (I) THE PRIVATE AGENCY SHALL:

34 1. CONDUCT A BACKGROUND CHECK IN EACH STATE IN
35 WHICH THE NURSING REFERRAL SERVICE AGENCY KNOWS OR HAS REASON TO
36 KNOW THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER WORKED OR
37 RESIDED DURING THE PAST 7 YEARS; AND

1 19-4B-06.

2 FOR *THE* PURPOSES OF ANY OTHER ~~PART OF THE CODE~~ *PROVISION OF LAW,*
3 ~~THE GRANTING OF A LICENSE UNDER THIS SUBTITLE DOES NOT CONSTITUTE A~~
4 ~~FINDING OF ANY FACT BASED ON WHICH THE LICENSE WAS GRANTED, ON WHICH~~
5 ~~THE GRANTING OF THE LICENSE WAS BASED~~ AND MAY NOT GIVE RISE TO ANY
6 ~~PRESUMPTION REGARDING THE EXISTENCE OF ANY FACT BASED ON WHICH THE~~
7 ~~LICENSE WAS GRANTED~~ *GRANTING OF THE LICENSE WAS BASED.*

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
9 measure, is necessary for the immediate preservation of the public health or safety,
10 has been passed by a yea and nay vote supported by three-fifths of all the members
11 elected to each of the two Houses of the General Assembly, and shall take effect from
12 the date it is enacted.