

**Department of Legislative Services**  
Maryland General Assembly  
2012 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 316

(Senator Pugh, *et al.*)

Finance

Rules and Executive Nominations

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**Department of Health and Mental Hygiene - Health Care Facilities - Abuser  
Registry Workgroup**

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This bill requires the Department of Health and Mental Hygiene (DHMH) to convene a workgroup to examine issues relating to the creation of a health care facility abuser registry. DHMH must report its findings and recommendations to specified committees of the General Assembly by December 1, 2012.

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**Fiscal Summary**

**State Effect:** The bill's requirements can be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** The workgroup – which must include representatives from the Office of Health Care Quality in DHMH, the Office of the Attorney General, law enforcement agencies, health care providers, labor representatives, consumer advocates, and other interested stakeholders – is required to examine:

- due process issues relating to a person's name being listed in the registry;
- appropriate safeguards for accessing the registry;
- estimated costs associated with operating a registry;

- the appropriate scope of a registry, including the types of facilities that should be included; and
- any other strategies that may be useful for identifying potential employees who are not qualified to work in health care facilities with vulnerable populations.

In conducting its work, the workgroup must review established registries in other states and any relevant literature on the effectiveness of such registries and other relevant strategies in preventing incidences of abuse.

**Current Law/Background:** Typically, if an employee working with vulnerable populations commits suspected abuse or neglect, the facility completes an incidence report with its licensing agency and an investigation is conducted. If the investigation finds that the abuse or neglect took place, the employee is terminated. In many cases, the abuse or neglect may not be criminal; thus, no charges are filed. Following termination, the employee may seek employment at another facility that is unaware of the prior abuse or neglect committed by that individual.

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### **Additional Information**

**Prior Introductions:** HB 1162 of 2010, which would have established an abuser registry for health care facility employees terminated for abuse or neglect, received an unfavorable report from the House Health and Government Operations Committee.

**Cross File:** HB 382 (Delegate B. Robinson, *et al.*) - Health and Government Operations.

**Information Source(s):** Caroline, Howard, and Montgomery counties; Baltimore City; Department of Human Resources; Department of Disabilities; Department of Health and Mental Hygiene; Department of State Police; Maryland Department of Aging; Department of Legislative Services

**Fiscal Note History:** First Reader - February 10, 2012  
mlm/mwc Revised - Senate Third Reader - April 3, 2012

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