

SENATE BILL 432

J3

4r1697
CF 4r1700

By: **Senators Pugh, Benson, Conway, Feldman, Jones–Rodwell, Middleton,
Montgomery, and Stone**

Introduced and read first time: January 24, 2014

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Database of Direct Access**
3 **Employees – Establishment**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to
5 establish a database of direct access employees; requiring the database to
6 include certain information on all direct access employees in the State;
7 establishing the purpose of the database; requiring each adult dependent care
8 program to submit to the Department, for inclusion in the database, certain
9 information on each newly hired direct access employee and periodically update
10 the information; requiring the Department to establish, by regulation, the form,
11 manner, and deadlines for the submissions and periodic updates; requiring each
12 adult dependent care program to obtain employment history from the database
13 before the adult dependent care program hires an individual for a certain
14 position; authorizing an adult dependent care program to obtain employment
15 history from the database for individuals who already hold a certain position;
16 requiring the Department to establish, by regulation, procedures an adult
17 dependent care program may use to obtain employment history from the
18 database; defining certain terms; and generally relating to a database of direct
19 access employees in the Department of Health and Mental Hygiene.

20 BY repealing and reenacting, without amendments,
21 Article – Health – General
22 Section 19–1901(b)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2013 Supplement)

25 BY adding to
26 Article – Health – General
27 Section 19–19A–01 through 19–19A–04 to be under the new subtitle “Subtitle
28 19A. Database of Direct Access Employees”

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2013 Supplement)

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

5 **Article – Health – General**

6 19–1901.

7 (b) “Adult dependent care program” means:

- 8 (1) An adult day care facility regulated under Title 14, Subtitle 2 of
9 this article;
- 10 (2) An assisted living program facility regulated under Subtitle 18 of
11 this title;
- 12 (3) A group home regulated under Title 10, Subtitle 5 or Title 7,
13 Subtitle 6 of this article;
- 14 (4) A home health agency regulated under Subtitle 4 of this title;
- 15 (5) A congregate housing services program regulated under Title 10,
16 Subtitle 2 of the Human Services Article;
- 17 (6) A residential service agency as defined under § 19–4A–01 of this
18 title;
- 19 (7) An alternative living unit as defined under § 7–101 of this article;
- 20 (8) A hospice facility regulated under Subtitle 9 of this title; or
- 21 (9) A related institution regulated under Subtitle 3 of this title.

22 **SUBTITLE 19A. DATABASE OF DIRECT ACCESS EMPLOYEES.**

23 **19–19A–01.**

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (B) “ADULT DEPENDENT CARE PROGRAM” HAS THE MEANING STATED
27 IN § 19–1901 OF THIS TITLE.

1 (C) “DATABASE” MEANS THE DATABASE OF DIRECT ACCESS
2 EMPLOYEES ESTABLISHED UNDER § 19-19A-02 OF THIS SUBTITLE.

3 (D) “DIRECT ACCESS EMPLOYEE” MEANS AN INDIVIDUAL WHO:

4 (1) FOR COMPENSATION, WORKS FOR AN ADULT DEPENDENT
5 CARE PROGRAM; AND

6 (2) HAS ROUTINE DIRECT ACCESS TO DEPENDENT ADULTS IN THE
7 ADULT DEPENDENT CARE PROGRAM.

8 **19-19A-02.**

9 (A) THE DEPARTMENT SHALL ESTABLISH A DATABASE OF DIRECT
10 ACCESS EMPLOYEES IN THE DEPARTMENT.

11 (B) THE DATABASE SHALL INCLUDE THE NAME, OTHER IDENTIFYING
12 INFORMATION, AND EMPLOYMENT HISTORY OF ALL DIRECT ACCESS EMPLOYEES
13 IN THE STATE.

14 (C) THE PURPOSE OF THE DATABASE IS TO ENABLE ADULT DEPENDENT
15 CARE PROGRAMS TO OBTAIN EMPLOYMENT HISTORY ON INDIVIDUALS SEEKING
16 OR HOLDING A POSITION AS A DIRECT ACCESS EMPLOYEE.

17 **19-19A-03.**

18 (A) EACH ADULT DEPENDENT CARE PROGRAM SHALL:

19 (1) SUBMIT TO THE DEPARTMENT FOR INCLUSION IN THE
20 DATABASE THE NAME, OTHER IDENTIFYING INFORMATION, AND EMPLOYMENT
21 HISTORY WITH THE ADULT DEPENDENT CARE PROGRAM OF EACH
22 NEWLY HIRED DIRECT ACCESS EMPLOYEE; AND

23 (2) PERIODICALLY UPDATE THE INFORMATION REQUIRED UNDER
24 ITEM (1) OF THIS SUBSECTION.

25 (B) THE DEPARTMENT SHALL ESTABLISH, BY REGULATION, THE FORM,
26 MANNER, AND DEADLINES FOR THE SUBMISSIONS AND PERIODIC UPDATES.

27 **19-19A-04.**

28 (A) EACH ADULT DEPENDENT CARE PROGRAM SHALL OBTAIN
29 EMPLOYMENT HISTORY FROM THE DATABASE BEFORE THE ADULT DEPENDENT

1 CARE PROGRAM HIRES AN INDIVIDUAL FOR A POSITION AS A DIRECT ACCESS
2 EMPLOYEE.

3 (B) AN ADULT DEPENDENT CARE PROGRAM MAY OBTAIN EMPLOYMENT
4 HISTORY FROM THE DATABASE FOR INDIVIDUALS WHO ALREADY HOLD A
5 POSITION AS A DIRECT ACCESS EMPLOYEE WITH THE ADULT DEPENDENT CARE
6 PROGRAM.

7 (C) THE DEPARTMENT SHALL ESTABLISH, BY REGULATION,
8 PROCEDURES AN ADULT DEPENDENT CARE PROGRAM MAY USE TO OBTAIN
9 EMPLOYMENT HISTORY FROM THE DATABASE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2014.