

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 710
Economic Matters

(Delegate Cullison, *et al.*)

Finance

**Labor and Employment - Nursing Homes and Health Care Facilities - Workplace
Safety Assessment and Safety Program**

This bill requires nursing homes that are licensed for 45 or more beds to assign to an appropriate committee the task of conducting an annual assessment of “workplace safety” issues and making recommendations to the nursing home for reducing workplace injuries.

Likewise, a health care facility must establish a workplace safety committee, which must establish and administer a workplace safety program that is appropriate for the size and complexity of the health care facility.

Fiscal Summary

State Effect: Any additional workload on the Department of Labor, Licensing, and Regulation can be handled with existing budgeted resources. General fund expenditures increase to the extent that State-run health care facilities are unable to absorb the duties established under the bill. Exact general fund expenditures cannot be reliably estimated at this time. Revenues are not affected.

Local Effect: Any fiscal impact on locally owned health care facilities is expected to be minimal.

Small Business Effect: Minimal. Because a workplace safety program established under the bill is required to be appropriate for the size and complexity of a facility, it is assumed that any impact to small health care facilities is minimal.

Analysis

Bill Summary: “Workplace safety” means the prevention of any physical assault or threatening behavior against an employee in a nursing home or a health care facility. “Health care facility” means a hospital or State residential center and includes a subacute care unit of a hospital and a State-operated hospital.

In conducting an annual assessment of workplace safety in a nursing home, a committee must consult with geriatric nursing assistants and other employees of the nursing home who are involved in assisting residents with activities of daily living.

A workplace safety program established by a health care facility under the bill must include (1) a written policy describing how the health care facility provides for the safety of health care workers; (2) an annual assessment to identify hazards, conditions, operations, and situations that could lead to workplace injuries and be used to develop recommendations to reduce the risk of workplace injuries; (3) a process for reporting, responding to, and tracking incidences of workplace injuries; and (4) regular workplace safety training for health care workers.

Current Law: In administering and enforcing Title 5 (Occupational Safety and Health) of the Labor and Employment Article, the Commissioner of Labor Industry is required to (1) assist employers in carrying out their responsibilities under the Maryland Occupational Safety and Health Act and (2) recommend, and suggest to employers, methods and procedures to develop safety programs to carry out those responsibilities. The commissioner must also provide educational and training programs related to occupational safety and health.

State Expenditures: The Department of Health and Mental Hygiene (DHMH) advises that general fund expenditures increase by \$24,000 to \$30,000 annually for various facilities operated by the Developmental Disabilities Administration (including the Holly Center, the Potomac Center, and Secure Evaluation and Therapeutic Treatment facilities) to comply with the bill’s requirements. Expenditures anticipated by the department include those stemming from overtime pay, meetings, and additional training. However, the Department of Legislative Services advises that exact costs, if any, to State-run facilities depend on the programs implemented by each facility and the extent to which a facility can integrate program requirements into any existing workplace safety program. Thus, any increase in general fund expenditures cannot be reliably estimated at this time.

State-run psychiatric facilities that operate under the department’s Behavioral Health Administration include Clifton T. Perkins Hospital Center, Eastern Shore Hospital Center, two Regional Institutes for Children and Youth, Springfield Hospital Center,

Spring Grove Hospital Center, and Thomas B. Finan Hospital Center. Other hospitals operated by DHMH include Deer's Head Center and Western Maryland Center. As DHMH advises that there is no impact to these facilities under the bill, it is assumed that each of these facilities can likely integrate the bill's requirements into an existing workplace safety program and/or otherwise absorb the duties established under the bill.

Additional Information

Prior Introductions: None.

Cross File: SB 483 (Senator Klausmeier, *et al.*) - Finance.

Information Source(s): Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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