

Department of Legislative Services
 Maryland General Assembly
 2014 Session

FISCAL AND POLICY NOTE
Revised

House Bill 532 (Delegate B. Robinson, *et al.*)
 Health and Government Operations

**Department of Health and Mental Hygiene - Database of Direct Access Employees
 - Establishment**

This bill requires the Department of Health and Mental Hygiene (DHMH) to establish a database of direct access employees. DHMH must also promulgate regulations that (1) establish the form, manner, and deadlines for the submission of periodic updates to database content and (2) establish procedures for adult dependent care programs to obtain employment history from the database.

Fiscal Summary

State Effect: General fund expenditures increase by \$560,400 in FY 2015 for DHMH to hire two full-time employees to establish and maintain the database and to oversee the program and train affected facilities. The estimate also includes the cost of new software, hardware, and additional supplies. Future-year estimates reflect annualization and inflation. Revenues are not affected.

(in dollars)	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	560,400	261,400	269,600	278,100	287,000
Net Effect	(\$560,400)	(\$261,400)	(\$269,600)	(\$278,100)	(\$287,000)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Potential minimal. Small businesses must submit employee data to DHMH and refer to the database before hiring a new employee.

Analysis

Bill Summary: “Adult dependent care program” means an adult day care facility, an assisted living program facility, a group home, a home health agency, a congregate housing services program, a residential service agency, an alternative living unit, a hospice facility, or other specified regulated institution. A “direct access employee” is one who, for compensation, works for an adult dependent care program and has routine direct access to dependent adults in the program.

The database must include names, other identifying information, and employment history of all direct access employees in the State. The purpose of the database is to enable adult dependent care programs to obtain employment history for individuals who are either seeking or currently hold a position as a direct access employee. Each adult dependent care program must provide the information required in the database for each newly hired employee and update required information in accordance with applicable regulations. Before hiring an employee, an adult dependent care program must obtain a prospective employee’s employment history from the database.

Current Law: DHMH does not currently track this information or maintain any kind of direct access employee database.

Background: As amended, SB 316 of 2012 would have required DHMH to convene a workgroup to examine issues relating to the creation of a health care facility abuser registry and to report its findings and recommendations to specified committees of the General Assembly by December 1, 2012. Although this bill did not pass, the Office of Health Care Quality (OHCQ) voluntarily convened an Abuser Registry Workgroup comprising representatives of OHCQ, the Office of the Attorney General, law enforcement agencies, health care providers, and the advocate community.

In an initial January 2013 report, OHCQ outlined (1) existing protections for Maryland residents for identifying and protecting the public from individuals with a background of abuse or neglect; (2) the pending grant award from the U.S. Centers for Medicare and Medicaid Services to design, develop, and implement a national background check program in Maryland; and (3) considerations and challenges to establishing an abuse registry in the State, including alternative approaches to a registry.

Then, as required by Chapters 239 and 606 of 2013, the 2012 Abuser Registry Workgroup reconvened to continue its work. The workgroup has considered (1) creating a universal definition of abuse; (2) reducing instances of abuse and neglect in health care settings by educating providers of reporting obligations and by raising abuse and neglect awareness among consumers; (3) creating an employee database of direct access employees as either part of a Maryland background check program or a separate and

parallel system; and (4) establishing a Maryland background check program for use as a tool to reduce abuse, neglect, and misappropriation of funds in long-term care facilities. This bill implements a database of direct access employees as considered by the workgroup.

State Expenditures: General fund expenditures increase by \$560,387 in fiscal 2015, which accounts for the bill's October 1, 2014 effective date. This estimate reflects the cost of hiring one full-time administrator and one full-time computer network specialist to oversee and coordinate data collection for the database, train affected facilities and providers on using the database, and establish and maintain the database. It includes salaries, fringe benefits, one-time start-up costs, ongoing operating expenses including initial contractual services to establish the database, and ongoing annual hosting and software license fees.

The bill does not specify which section of DHMH must house the database. This analysis assumes that OHCQ will establish and maintain the direct access employee database. OHCQ advises that it needs two coordinator special programs employees to investigate claims and compliance, but the Department of Legislative Services (DLS) disagrees because these actions are not required by the bill.

The Developmental Disabilities Administration (DDA), within DHMH, advises that it requires two full-time employees to coordinate and provide training and database updates to OHCQ. DLS disagrees because it anticipates that OHCQ will handle these duties. However, the estimate does include funding for travel for training purposes and this function could be provided by either DDA or OHCQ.

Positions	2
Salaries and Fringe Benefits	\$108,864
Software Development	329,500
Hardware and Hosting Costs	118,340
Other Operating Expenses	<u>3,683</u>
Total FY 2015 State Expenditures	\$560,387

Future year expenditures reflect full salaries with annual increases and employee turnover as well as annual increases in ongoing operating expenses.

Additional Information

Prior Introductions: None.

Cross File: SB 432 (Senator Pugh, *et al.*) - Finance.

Information Source(s): Department of Budget and Management, Department of Health and Mental Hygiene, Department of Legislative Services

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