

HOUSE BILL 265

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6lr1532

By: **Delegates B. Robinson, Jalisi, Platt, and Shoemaker**

Introduced and read first time: January 25, 2016

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Health Care Facilities – Abuser**
3 **Registry**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish a
5 registry that includes certain information about any employee of a health care
6 facility whose employment was terminated because the employee was convicted of a
7 certain crime; requiring certain health care facilities to submit the names of former
8 employees to the Secretary for inclusion in the registry; authorizing a health care
9 facility to access the registry under certain circumstances; prohibiting a health care
10 facility from allowing an employee to access the registry except under certain
11 circumstances; authorizing a person responsible for a certain individual to access the
12 registry; prohibiting a health care facility from hiring certain individuals; defining a
13 certain term; and generally relating to a registry of employees of health care facilities
14 whose employment has been terminated.

15 BY adding to

16 Article – Health – General
17 Section 19–347.1 and 19–351(e)
18 Annotated Code of Maryland
19 (2015 Replacement Volume)

20 BY repealing and reenacting, with amendments,

21 Article – Health – General
22 Section 19–351(a)
23 Annotated Code of Maryland
24 (2015 Replacement Volume)

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

27 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 19-347.1.

2 (A) IN THIS SECTION, "HEALTH CARE FACILITY" MEANS:

3 (1) A HOSPITAL, AS DEFINED IN § 19-301 OF THIS SUBTITLE; OR

4 (2) AN ADULT DEPENDENT CARE PROGRAM, AS DEFINED IN § 19-1901
5 OF THIS TITLE.

6 (B) THE SECRETARY SHALL ESTABLISH A REGISTRY THAT INCLUDES THE
7 NAME AND SOCIAL SECURITY NUMBER OF ANY EMPLOYEE OF A HEALTH CARE
8 FACILITY WHOSE EMPLOYMENT HAS BEEN TERMINATED BECAUSE THE EMPLOYEE
9 WAS CONVICTED OF A CRIME:

10 (1) FOR WHICH THE EMPLOYEE'S NAME WAS ENTERED INTO THE
11 CRIMINAL JUSTICE INFORMATION SYSTEM; AND

12 (2) THAT INVOLVED THE ABUSE OR NEGLECT OF ANY OF THE
13 FOLLOWING INDIVIDUALS IN THE HEALTH CARE FACILITY:

14 (I) A SENIOR CITIZEN;

15 (II) A DISABLED INDIVIDUAL;

16 (III) A DEVELOPMENTALLY DISABLED INDIVIDUAL;

17 (IV) AN INDIVIDUAL RECEIVING CARE PROVIDED BY AN
18 IN-HOME AIDE; OR

19 (V) AN INDIVIDUAL INCAPABLE OF SELF-DEFENSE.

20 (C) A HEALTH CARE FACILITY SHALL SUBMIT THE NAME OF EACH FORMER
21 EMPLOYEE DESCRIBED IN SUBSECTION (B) OF THIS SECTION TO THE SECRETARY
22 FOR INCLUSION IN THE REGISTRY.

23 (D) (1) A HEALTH CARE FACILITY MAY ACCESS THE REGISTRY IF:

24 (I) THE LICENSING AUTHORITY HAS DETERMINED THAT THE
25 HEALTH CARE FACILITY SHOULD HAVE ACCESS TO THE REGISTRY; AND

26 (II) THE HEALTH CARE FACILITY IS DETERMINING WHETHER AN
27 INDIVIDUAL SEEKING EMPLOYMENT IS LISTED IN THE REGISTRY.

1 **(2) A HEALTH CARE FACILITY MAY NOT ALLOW AN EMPLOYEE TO**
2 **ACCESS THE REGISTRY UNLESS THE EMPLOYEE HAS BEEN GRANTED ACCESS TO**
3 **CONFIDENTIAL RECORDS.**

4 **(E) A PERSON RESPONSIBLE FOR AN INDIVIDUAL WHO IS RECEIVING CARE**
5 **PROVIDED BY AN IN-HOME AIDE MAY ACCESS THE REGISTRY.**

6 19-351.

7 (a) Except as provided in subsections (b) [and], (d), AND **(E)** of this section, this
8 subtitle does not affect the right of a hospital or related institution to employ ANY
9 INDIVIDUAL or appoint staff.

10 **(E) A HEALTH CARE FACILITY MAY NOT EMPLOY AN INDIVIDUAL WHO IS**
11 **LISTED IN THE REGISTRY ESTABLISHED UNDER § 19-347.1 OF THIS SUBTITLE.**

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2016.