

# HOUSE BILL 962

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By: **Delegate Parrott**

Introduced and read first time: February 2, 2021

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Nursing Homes and Assisted Living Programs – Essential**  
3 **Caregivers**

4 FOR the purpose of requiring each nursing home and assisted living program in  
5 Washington County to establish certain policies and procedures authorizing certain  
6 visitation from an essential caregiver and relating to the designation and use of an  
7 essential caregiver; authorizing nursing homes and assisted living programs to  
8 consult with the local health officer when establishing the policies and procedures;  
9 requiring certain nursing homes and assisted living programs to consult with certain  
10 administrators and staff to make a certain determination; requiring certain nursing  
11 homes and assisted living programs to consult with certain patients or residents and  
12 essential caregivers to identify a certain schedule; requiring certain nursing homes  
13 and assisted living programs to ensure that certain scheduling considers the number  
14 of essential caregivers in the nursing home or assisted living program at any given  
15 time and designates a certain point of entry; requiring certain nursing homes and  
16 assisted living programs to require essential caregivers to abide by certain rules  
17 adopted by the nursing home or assisted living program; requiring an essential  
18 caregiver to inform the staff of the nursing home or assisted living program if the  
19 essential caregiver develops certain symptoms; authorizing an essential caregiver to  
20 transport a certain patient or resident for a certain purpose; prohibiting an essential  
21 caregiver from visiting a patient or resident if the patient or resident is quarantined;  
22 authorizing certain nursing homes and assisted living programs to restrict or revoke  
23 essential caregiver status under certain circumstances; providing for the application  
24 of this Act; defining certain terms; and generally relating to essential caregivers in  
25 nursing homes and assisted living programs.

26 BY repealing and reenacting, without amendments,  
27 Article – Health – General  
28 Section 19–1401(a) and (e) and 19–1801  
29 Annotated Code of Maryland  
30 (2019 Replacement Volume and 2020 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Health – General  
3 Section 19–1416.1  
4 Annotated Code of Maryland  
5 (2019 Replacement Volume and 2020 Supplement)

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

8 **Article – Health – General**

9 19–1401.

10 (a) In this subtitle the following words have the meanings indicated.

11 (e) “Nursing home” means a facility (other than a facility offering domiciliary or  
12 personal care as defined in Subtitle 3 of this title) which offers nonacute inpatient care to  
13 patients suffering from a disease, chronic illness, condition, disability of advanced age, or  
14 terminal disease requiring maximal nursing care without continuous hospital services and  
15 who require medical services and nursing services rendered by or under the supervision of  
16 a licensed nurse together with convalescent, restorative, or rehabilitative services.

17 **19–1416.1.**

18 **(A) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.**

19 **(B) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**  
20 **INDICATED.**

21 **(2) “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN §**  
22 **19–1801 OF THIS TITLE.**

23 **(3) “ESSENTIAL CAREGIVER” MEANS AN INDIVIDUAL DESIGNATED BY**  
24 **A PATIENT OR RESIDENT OF A NURSING HOME OR ASSISTED LIVING PROGRAM TO**  
25 **ADVOCATE OR PROVIDE ADDITIONAL PERSONALIZED CARE FOR THE PATIENT.**

26 **(C) (1) EACH NURSING HOME AND ASSISTED LIVING PROGRAM SHALL**  
27 **ESTABLISH POLICIES AND PROCEDURES AUTHORIZING INDOOR VISITATION FROM**  
28 **AN ESSENTIAL CAREGIVER.**

29 **(2) A NURSING HOME OR ASSISTED LIVING PROGRAM MAY CONSULT**  
30 **WITH THE LOCAL HEALTH OFFICER WHEN ESTABLISHING POLICIES AND**  
31 **PROCEDURES UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

1 (D) EACH NURSING HOME AND ASSISTED LIVING PROGRAM SHALL:

2 (1) ESTABLISH POLICIES AND PROCEDURES FOR HOW TO DESIGNATE  
3 AND USE ONE OR MORE ESSENTIAL CAREGIVERS FOR EACH PATIENT OR RESIDENT;

4 (2) CONSULT WITH THE ADMINISTRATOR OF THE NURSING HOME OR  
5 ASSISTED LIVING PROGRAM OR OTHER STAFF AS APPROPRIATE TO DETERMINE IF  
6 AN INDIVIDUAL MEETS THE CRITERIA FOR AN ESSENTIAL CAREGIVER;

7 (3) CONSULT WITH THE RESIDENT OR PATIENT AND THE ESSENTIAL  
8 CAREGIVER TO IDENTIFY A DAILY SCHEDULE;

9 (4) ENSURE THAT THE SCHEDULING OF ESSENTIAL CAREGIVER  
10 VISITS CONSIDERS THE NUMBER OF ESSENTIAL CAREGIVERS IN THE NURSING HOME  
11 OR ASSISTED LIVING PROGRAM AT ANY GIVEN TIME;

12 (5) DESIGNATE A POINT OF ENTRY WHERE AN ESSENTIAL CAREGIVER  
13 SIGNS IN TO THE NURSING HOME OR ASSISTED LIVING PROGRAM AND UNDERGOES  
14 REQUIRED SCREENING; AND

15 (6) REQUIRE AN ESSENTIAL CAREGIVER TO ABIDE BY RULES AND  
16 POLICIES ADOPTED BY THE NURSING HOME OR ASSISTED LIVING PROGRAM TO  
17 ENSURE PATIENT AND RESIDENT SAFETY.

18 (E) AN ESSENTIAL CAREGIVER SHALL, IN A TIMELY MANNER, INFORM THE  
19 STAFF OF THE NURSING HOME OR ASSISTED LIVING PROGRAM IF THE ESSENTIAL  
20 CAREGIVER DEVELOPS ANY SYMPTOM OF A POTENTIALLY TRANSMISSIBLE ILLNESS.

21 (F) AN ESSENTIAL CAREGIVER MAY TRANSPORT THE PATIENT OR RESIDENT  
22 OUTSIDE THE NURSING HOME OR ASSISTED LIVING PROGRAM FOR ESSENTIAL  
23 MEDICAL APPOINTMENTS.

24 (G) IF A PATIENT OR RESIDENT IS QUARANTINED, AN ESSENTIAL  
25 CAREGIVER MAY NOT VISIT THE PATIENT OR RESIDENT UNTIL THE QUARANTINE  
26 ENDS.

27 (H) A NURSING HOME OR ASSISTED LIVING PROGRAM MAY RESTRICT OR  
28 REVOKE ESSENTIAL CAREGIVER STATUS IF THE ESSENTIAL CAREGIVER DOES NOT  
29 FOLLOW THE RULES AND POLICIES OF THE NURSING HOME OR ASSISTED LIVING  
30 PROGRAM OR THE DIRECTION OF STAFF.

31 19-1801.

32 In this subtitle:

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1           (1) “Assisted living program” means a residential or facility-based  
2 program that provides housing and supportive services, supervision, personalized  
3 assistance, health-related services, or a combination thereof that meets the needs of  
4 individuals who are unable to perform or who need assistance in performing the activities  
5 of daily living or instrumental activities of daily living in a way that promotes optimum  
6 dignity and independence for the individuals.

7           (2) “Assisted living program” does not include:

8                   (i) A nursing home, as defined under § 19–1401 of this title;

9                   (ii) A State facility, as defined under § 10–101 of this article;

10                   (iii) A program licensed by the Department under Title 7 or Title 10  
11 of this article;

12                   (iv) A hospice care program regulated by the Department under  
13 Subtitle 9 of this title;

14                   (v) Services provided by family members;

15                   (vi) Services provided in an individual’s own home; or

16                   (vii) A program certified by the Department of Human Services under  
17 Title 6, Subtitle 5, Part II of the Human Services Article as a certified Adult Residential  
18 Environment Program.

19           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2021.