
By: Delegate Poole

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Registered Domiciliary Care Homes - Inspections and Criminal Background**
3 **Investigations - Regulations**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to adopt
5 certain regulations concerning registered domiciliary care homes and related
6 institutions regarding random inspections and criminal background investigations of
7 certain individuals under certain circumstances; authorizing the Secretary to set a
8 certain inspection fee by regulation; and generally relating to requiring the
9 Secretary of Health and Mental Hygiene to adopt certain regulations for certain
10 inspections of registered domiciliary care homes and related institutions and
11 criminal background investigations for certain individuals associated with registered
12 domiciliary care homes and related institutions.

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 19-324.1
16 Annotated Code of Maryland
17 (1990 Replacement Volume and 1995 Supplement)

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

20 **Article - Health - General**

21 19-324.1.

22 (a) Except for a home, related institution, or facility licensed under this subtitle or
23 otherwise licensed, certified, or approved by the Department, a domiciliary care home or
24 related institution that provides domiciliary care for 2, 3, or 4 unrelated individuals shall
25 obtain a registration permit from the Department or the agency designated by the
26 Department before a public agency or any organization that receives public funds may
27 refer any individual to the home or related institution.

28 (b) Unless a home or related institution registers as required under this section, a
29 public agency or a private organization that receives public funds may not refer
30 individuals to the home or related institution.

31 (c) A home or related institution that registers under this section shall:

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1 (1) Provide the required information to the Department on the designated
2 form at least once during each 12-month period; and

3 (2) At the request of the Department, consent to any reasonable inspection
4 of the premises and examination of records.

5 (d) (1) The Secretary shall adopt rules and regulations to carry out the
6 provisions of this section.

7 (2) THE REGULATIONS ADOPTED UNDER THIS SUBSECTION SHALL
8 INCLUDE REQUIREMENTS FOR:

9 (I) THE INSPECTION OF A DOMICILIARY CARE HOME OR RELATED
10 INSTITUTION ON AT LEAST A QUARTERLY BASIS; AND

11 (II) A CRIMINAL BACKGROUND INVESTIGATION OF THE
12 OPERATOR, MANAGER, AND ANY OTHER INDIVIDUAL WHO WILL HAVE FREQUENT
13 DIRECT CONTACT WITH INDIVIDUALS WHO ARE BEING CARED FOR IN THE
14 DOMICILIARY CARE HOME OR RELATED INSTITUTION.

15 (E) THE SECRETARY MAY SET BY REGULATION AN INSPECTION FEE TO BE
16 PAID BY A DOMICILIARY CARE HOME OR RELATED INSTITUTION, IN ADDITION TO
17 THE REGISTRATION FEE, THAT IS SUFFICIENT TO GENERATE FUNDS FOR THE COST
18 OF THE INSPECTIONS REQUIRED UNDER THIS SECTION.

19 [(e)] (F) The Secretary may deny or revoke a registration permit if the applicant
20 or registrant does not meet the requirements of this section, § 19-324.2 of this subtitle, or
21 any rule or regulation that the Secretary may establish under this section.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 1996.