

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 626
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike “register with” and substitute “be licensed by”; in the same line, after “procedures” insert “and requirements”; in the same line, after the second “for” insert “licensing”; in line 6, strike “registering with” and substitute “by”; and strike beginning with “requiring” in line 7 down through “dates;” in line 14 and substitute “authorizing the Office to adopt certain regulations and conduct certain inspections; requiring a nursing staff agency to perform certain personnel duties and verify certain conditions; providing certain penalties for certain violations; requiring a nursing staff agency to attest to compliance with certain federal laws; providing for a delayed effective date;”.

AMENDMENT NO. 2

On page 3, in line 3, strike “providing or”; in the same line, after “personnel” insert “AS EMPLOYEES OR INDEPENDENT CONTRACTORS”; in line 21, after “(b)” insert:

“(1) A NURSING STAFF AGENCY SHALL BE LICENSED BY THE OFFICE BEFORE REFERRING NURSING PERSONNEL TO A HEALTH CARE FACILITY TO RENDER TEMPORARY NURSING SERVICES AT A HEALTH CARE FACILITY IN THIS STATE.

(2)”;

in the same line, strike “, the” and substitute “: (I) THE”; in lines 23, 24, 25, and 26, strike “(1)”, “(2)”, “(3)”, and “(4)”, respectively, and substitute “1.”, “2.”, “3.”, and “4.”, respectively; in line 25, strike “and”; in line 26, after “party” insert: “: AND

(II) ANY OTHER INFORMATION THE OFFICE REQUIRES BY

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REGULATION TO ENSURE COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE"; in lines 27, 30, and 33, in each instance, strike "registration" and substitute "LICENSE"; and in line 28, strike "registered" and substitute "LICENSED".

AMENDMENT NO. 3

On page 4, in lines 2 and 5, in each instance, strike "registration" and substitute "LICENSE"; in line 7, strike "registered" and substitute "LICENSED"; in line 14, strike "(j)(1)" and substitute "(I)(1)"; in line 17, strike the second "or"; in lines 18, 23, and 31, in each instance, after "nurse" insert ", OR CERTIFIED NURSING ASSISTANT"; in lines 24 and 29, in each instance, after the second "nurse" insert ", OR CERTIFIED NURSING ASSISTANT"; in lines 17, 22, and 30, in each instance, after "nurse" insert a comma; in lines 24 and 29, after the first "nurse" insert a comma; in line 26, after the first "nursing" insert a comma; in lines 22, 24, 26, 29, and 30, in each instance, strike "or"; in line 19, strike the colon; strike in their entirety lines 20 and 21; in line 22, strike "(ii) Verify" and substitute "VERIFY"; and in line 26, after the second "nursing" insert ", OR CERTIFIED NURSING ASSISTANCE".

AMENDMENT NO. 4

On page 5, in line 24, strike "NOT KNOWINGLY PROVIDE OR" and substitute "ONLY"; in line 25, strike the first "CERTIFIED"; in the same line after "ASSISTANT" insert "WHO IS CERTIFIED UNDER TITLE 8, SUBTITLE 6A OF THE HEALTH OCCUPATIONS ARTICLE TO PERFORM DELEGATED NURSING FUNCTIONS"; strike beginning with "TO" in line 25 down through "ARTICLE" in line 26; and in line 27, after "TEMPORARY" insert "DELEGATED".

AMENDMENT NO. 5

On page 6, in line 2, strike "of up to \$2,000"; in line 3, after "section" insert ":

(I) FOR A FIRST OFFENSE, UP TO \$2,500 PER VIOLATION OR UP TO \$2,500 PER DAY UNTIL THE NURSING STAFF AGENCY COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE;

(II) FOR A SECOND OFFENSE, UP TO \$5,000 PER VIOLATION OR UP TO \$5,000 PER DAY UNTIL THE NURSING STAFF AGENCY COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE; AND

(III) FOR A THIRD OR SUBSEQUENT OFFENSE, UP TO \$10,000 PER VIOLATION OR UP TO \$10,000 PER DAY UNTIL THE NURSING STAFF AGENCY COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE"; after line 4, insert:

“(J) A NURSING STAFF AGENCY IS NOT A HEALTH CARE PROVIDER.”;

strike beginning with “SHALL” in line 8 down through “PERIODICALLY” in line 9 and substitute “MAY INSPECT A NURSING STAFF AGENCY TO VERIFY COMPLIANCE WITH THIS SUBTITLE”; in line 10, strike “A SURVEY” and substitute “AN INSPECTION”; in line 16, strike “ARE COMPLETING” and substitute “HAVE COMPLETED”; in line 17, strike “A SURVEY” and substitute “AN INSPECTION”; in line 20, strike “CREDENTIALING” and substitute “VERIFYING THE CREDENTIALS OF”; strike beginning with “COMPETENCIES” in line 22 down through “EVALUATION” in line 23 and substitute “SKILLS PRIOR TO REFERRING NURSING PERSONNEL TO A CLIENT FACILITY”; strike line 24 in its entirety; after line 24, insert:

“(3) TRACKING OR ACTING ON SERIOUS OR LIFE-THREATENING COMPLAINTS RECEIVED BY A CLIENT OR THE CLIENT’S AGENT;

(4) REFERRAL OF AN ACTION OR CONDITION UNDER § 19-2001(H) OF THIS SUBTITLE;”;

in lines 26 and 27, strike “CURRENT IMMUNIZATION STATUS” and substitute “HAVE RECEIVED THE NECESSARY TESTING AND IMMUNIZATION AS REQUIRED OR REQUESTED BY THE CLIENT FACILITY”; strike beginning with “THAT” in line 28 down through “HAVE” in line 29; in line 30, strike “PERFORMING PREEMPLOYMENT” and substitute “VERIFYING PRIOR TO AN INITIAL REFERRAL BY A NURSING STAFF AGENCY,”; and in line 31, after “ASSIGNMENT” insert “TO A FACILITY”; in line 33, strike “PERFORMING” and substitute “VERIFYING”; and in lines 25, 28, 30, and 33, strike “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(5)”, “(6)”, “(7)”, and “(8)”, respectively.

AMENDMENT NO. 6

On page 7, in lines 1 and 3, strike “(8)” and “(9)”, respectively, and substitute “(9)” and “(10)”, respectively; in line 1, strike “CONDUCTING” and substitute “VERIFYING PRIOR TO AN INITIAL REFERRAL BY THE NURSING STAFF AGENCY, THE”; in line 2, after “FOR” insert “FACILITY”; in the same line, after “EMPLOYEES;” insert “AND”; in line 4, strike the semicolon; strike beginning with “(10)” in line 5 down through “PLACEMENT” in line 10; in line 11, strike

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“WARRANT” and substitute “ATTEST”; strike in their entirety lines 17 through 23, inclusive; in line 24, strike “(I)” and substitute “(F)”; in the same line, strike “SURVEY” and substitute “INSPECT”; in line 25, after “COMPLAINT” insert “, AND SHALL GIVE NOTICE OF THE INSPECTION TO THE NURSING STAFF AGENCY WITHIN AT LEAST 24 HOURS OF INSPECTING THE NURSING STAFF AGENCY”; and strike in their entirety lines 26 through 35, inclusive.

AMENDMENT NO. 7

On page 8, strike in their entirety lines 1 and 2; in line 3, strike “5.” and substitute “3.”; and in line 4, strike “October 1, 2001” and substitute “January 1, 2002”.