

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 769

(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”; strike beginning with “requiring” in line 7 down through “survey;” in line 10 and substitute “authorizing the Office to adopt certain regulations and conduct certain inspections;”; strike beginning with “requiring” in line 11 down through “dates;” in line 14; and in line 14, before “and” insert “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 26, after “party” insert “; AND”

(II) ANY OTHER INFORMATION THE OFFICE REQUIRES BY REGULATION TO ASSURE COMPLIANCE WITH THE PROVISIONS OF THIS SUBTITLE”;

(Over)

in lines 27, 30, and 33, in each instance, strike “registration” and substitute “LICENSE”; and in line 28, strike “registered” and substitute “LICENSED”.

On page 4, in lines 2 and 5, in each instance, strike “registration” and substitute “LICENSE”; in line 7, strike “registered” and substitute “LICENSED”; and in line 14, strike “(j)(1)” and substitute “(I)(1)”.

AMENDMENT NO. 3

On page 4, strike beginning with the colon in line 19 down through “Verify” in line 22 and substitute “VERIFY”; in line 17, strike the second “or” and substitute a comma; in lines 22, 24, 26, 29, and 30, in each instance, strike “or” and substitute a comma; in lines 18, 23, and 31, in each instance, after “nurse” insert “, OR CERTIFIED NURSING ASSISTANT”; in line 26, after the second “nursing” insert “, OR CERTIFIED NURSING ASSISTANCE”; and in lines 24 and 29, in each instance, after the second “nurse”, insert “, OR CERTIFIED NURSING ASSISTANT”.

On page 5, in line 24, strike “NOT KNOWINGLY PROVIDE OR” and substitute “ONLY”; in line 25, strike “CERTIFIED”; in the same line, after “ASSISTANT” insert “WHO IS CERTIFIED UNDER TITLE 8, SUBTITLE 6 OF THE HEALTH OCCUPATIONS ARTICLE TO PERFORM DELEGATED NURSING FUNCTIONS”; in lines 25 and 26, strike “TO PRACTICE CERTIFIED NURSING UNDER TITLE 8 OF THE HEALTH OCCUPATIONS ARTICLE”; and in line 27, after “TEMPORARY” insert “DELEGATED”; and in line 30, after the second “nurse” insert a comma.

AMENDMENT NO. 4

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 IN VIOLATION 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 IN VIOLATION 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 IN VIOLATION UNTIL THE NURSING STAFF AGENCY COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE”.

On page 7, strike in their entirety lines 18 through 23, inclusive.

AMENDMENT NO. 5

On page 6, after line 4, insert:

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

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 lines 22 and 23, strike “COMPETENCIES AND PROCEDURES FOR PERFORMANCE EVALUATION” and substitute “SKILLS PRIOR TO REFERRAL”; strike in its entirety line 24 and substitute:

“(3) TRACKING AND ACTING ON SERIOUS OR LIFE-THREATENING COMPLAINTS RECEIVED BY A CLIENT OR THEIR AGENT;

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

in lines 25, 28, 30, and 33, strike “(4)”, “(5)”, “(6)”, and “(7)”, respectively, and substitute “(5)”, “(6)”, “(7)”, and “(8)”, respectively; 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”; strike beginning with “THAT” in line 28 down through “HAVE” in line 29; in line 30, strike “PERFORMING PREEMPLOYMENT” and substitute “VERIFYING PRIOR TO HIRING OR INITIAL REFERRAL”; in line 31, after “FOR” insert “FACILITY”; and in line 33, strike “PERFORMING” and substitute “VERIFYING”.

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”

(Over)

HIRING OR INITIAL REFERRAL”; in line 2, after “FOR” insert “FACILITY”; in the same line, after “EMPLOYEES;” insert “AND”; strike beginning with the semicolon in line 4 down through “PLACEMENT” in line 10; in line 11, strike “WARRANT” and substitute “ATTEST”; strike in its entirety line 17; in line 24, strike “(I)” and substitute “(F)”; in the same line, strike “SURVEY” and substitute “INSPECT”; and strike in its entirety line 26.

AMENDMENT NO. 6

On pages 7 and 8, strike beginning with line 27 on page 7 through line 2 on page 8, inclusive. On page 8, in line 3, strike “5.” and substitute “3.”; and in line 4, strike “October 1, 2001” and substitute “January 1, 2002”.