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By: **Delegate C. Davis**

Introduced and read first time: January 24, 2001

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes - Retention of Direct Care Nursing Staff**

3 FOR the purpose of requiring a nursing home with a certain turnover of direct care  
4 nursing staff to establish a program to improve staff retention; requiring the use  
5 of a certain questionnaire; requiring certain record keeping; requiring that the  
6 nursing home conduct a certain review a certain number of times per year;  
7 requiring a nursing home, under certain conditions, to implement certain  
8 measures; authorizing the use of data in a certain questionnaire under certain  
9 circumstances; providing for confidentiality and prohibiting disclosure of the  
10 information included in a completed questionnaire; requiring the Secretary of  
11 Health and Mental Hygiene, in collaboration with the Board of Examiners of  
12 Nursing Home Administrators, to develop the questionnaire and a certain  
13 manual; providing for the distribution of the questionnaire and manual;  
14 requiring the Secretary to adopt certain regulations; defining a certain term;  
15 and generally relating to the retention of direct care nursing staff by a nursing  
16 home.

17 BY adding to  
18 Article - Health - General  
19 Section 19-1410.1  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume)

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

24 **Article - Health - General**

25 19-1410.1.

26 (A) IN THIS SECTION, "DIRECT CARE NURSING STAFF" MEANS ANY OF THE  
27 FOLLOWING INDIVIDUALS IF THE INDIVIDUAL PROVIDES HANDS-ON BEDSIDE CARE  
28 OR SERVICES TO A NURSING HOME RESIDENT:

29 (1) A LICENSED REGISTERED NURSE;

- 1 (2) A LICENSED PRACTICAL NURSE;
- 2 (3) A CERTIFIED NURSING ASSISTANT;
- 3 (4) A CERTIFIED GERIATRIC ASSISTANT;
- 4 (5) A CERTIFIED MEDICINE AIDE; OR
- 5 (6) A REGISTERED MEDICATION ASSISTANT.

6 (B) IF A NURSING HOME HAS MORE THAN A 50 PERCENT TURNOVER OF  
7 DIRECT CARE NURSING STAFF IN ANY CALENDAR YEAR, THE NURSING HOME SHALL  
8 ESTABLISH A PROGRAM TO IMPROVE STAFF RETENTION.

9 (C) (1) A NURSING HOME COVERED UNDER SUBSECTION (B) OF THIS  
10 SECTION SHALL ASK EACH DIRECT CARE NURSING STAFF MEMBER WHO  
11 VOLUNTARILY TERMINATES EMPLOYMENT TO FILL OUT AN EXIT INTERVIEW  
12 QUESTIONNAIRE FURNISHED BY THE DEPARTMENT.

13 (2) THE DIRECT CARE NURSING STAFF MEMBER IS NOT REQUIRED TO  
14 FILL OUT THE EXIT INTERVIEW QUESTIONNAIRE.

15 (D) A NURSING HOME COVERED UNDER SUBSECTION (B) OF THIS SECTION  
16 SHALL:

17 (1) KEEP ALL EXIT INTERVIEW QUESTIONNAIRES IN A MANNER  
18 SPECIFIED BY REGULATION BY THE SECRETARY; AND

19 (2) CONDUCT A REVIEW OF THE EXIT INTERVIEW QUESTIONNAIRES  
20 TWICE A YEAR TO ASSESS THE CAUSE OF DIRECT CARE NURSING STAFF VOLUNTARY  
21 TERMINATIONS.

22 (E) TO THE EXTENT POSSIBLE, A NURSING HOME COVERED UNDER  
23 SUBSECTION (B) OF THIS SECTION SHALL IMPLEMENT APPROPRIATE CORRECTIVE  
24 MEASURES IN ACCORDANCE WITH THE FINDINGS OF THE REVIEW REQUIRED IN  
25 SUBSECTION (D)(2) OF THIS SECTION.

26 (F) A COMPLETED EXIT INTERVIEW QUESTIONNAIRE MAY NOT INCLUDE THE  
27 NAME OF THE INDIVIDUAL WHO ANSWERS THE EXIT INTERVIEW QUESTIONNAIRE  
28 AND IS NOT SUBJECT TO PUBLIC DISCLOSURE.

29 (G) (1) THE DATA PROVIDED IN A COMPLETED EXIT INTERVIEW  
30 QUESTIONNAIRE MAY BE USED BY A NURSING HOME FOR A COMPOSITE REPORT OR  
31 TO PROVIDE OTHER INFORMATION FOR PUBLIC USE.

32 (2) THE DATA INCLUDED MAY NOT IDENTIFY AN INDIVIDUAL DIRECT  
33 CARE NURSING STAFF MEMBER.

34 (H) (1) IN COLLABORATION WITH THE BOARD OF EXAMINERS OF NURSING  
35 HOME ADMINISTRATORS, THE SECRETARY SHALL DEVELOP:

1 (I) AN EXIT INTERVIEW QUESTIONNAIRE; AND

2 (II) A MANUAL WITH SUGGESTIONS FOR RECRUITMENT AND  
3 RETENTION OF DIRECT CARE NURSING STAFF.

4 (2) THE DEPARTMENT SHALL DISTRIBUTE THE QUESTIONNAIRE AND  
5 THE MANUAL TO EACH LICENSED NURSING HOME.

6 (I) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THE  
7 PROVISIONS OF THIS SECTION.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2001.