

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL NO. 550

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after “Department” insert “of Health and Mental Hygiene”; and in line 22, after the semicolon insert “requiring a nursing referral service agency to apply for a certain criminal history records check or request a certain background check; establishing certain requirements for the criminal history records check and the background check; requiring the Department to adopt certain regulations; prohibiting the regulations from precluding a nursing referral service agency from operating in a certain manner;”.

AMENDMENT NO. 2

On page 5, after line 33, insert:

“(B) “BACKGROUND CHECK” HAS THE MEANING STATED IN § 19-1901 OF THIS TITLE.”.

On page 6, in lines 1, 9, 11, 12, and 15, strike “(B)”, “(C)”, “(D)”, “(E)”, and “(F)”, respectively, and substitute “(C)”, “(E)”, “(F)”, “(G)”, and “(H)”, respectively; after line 8, insert:

“(D) “CENTRAL REPOSITORY” MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.”;

after line 21, insert:

“(I) “PRIVATE AGENCY” HAS THE MEANING STATED IN § 19-1901 OF THIS TITLE.”;

and in line 19, strike “SKILLED OR CERTIFIED”.

(Over)

On page 9, in line 26, after “(I)” insert “IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION:”

1.”;

in the same line, after the semicolon insert “OR

2. A PRIVATE AGENCY BACKGROUND CHECK;”;

and in line 33, strike “1-9” and substitute “1-9”.

On page 10, after line 14, insert:

“(C) (1) FOR EACH LICENSED HEALTH PROFESSIONAL AND CARE PROVIDER, A NURSING REFERRAL SERVICE AGENCY SHALL:

(I) APPLY TO THE CENTRAL REPOSITORY FOR A STATE CRIMINAL HISTORY RECORDS CHECK; OR

(II) REQUEST A PRIVATE AGENCY TO CONDUCT A BACKGROUND CHECK.

(2) (I) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE NURSING REFERRAL SERVICE AGENCY SHALL SUBMIT TO THE CENTRAL REPOSITORY:

1. TWO COMPLETE SETS OF LEGIBLE FINGERPRINTS OF THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY; AND

2. THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

(II) IN ACCORDANCE WITH §§ 10-201 THROUGH 10-228 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER AND THE NURSING

REFERRAL SERVICE AGENCY A PRINTED STATEMENT LISTING THE CRIMINAL CONVICTIONS OF THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER.

(III) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

1. IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

2. MAY BE USED ONLY FOR THE SCREENING PURPOSE AUTHORIZED BY THIS SUBSECTION.

(IV) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223 OF THE CRIMINAL PROCEDURE ARTICLE.

(3) IF A NURSING REFERRAL SERVICE AGENCY REQUESTS A PRIVATE AGENCY TO CONDUCT A BACKGROUND CHECK:

(I) THE PRIVATE AGENCY SHALL:

1. CONDUCT A BACKGROUND CHECK IN EACH STATE IN WHICH THE NURSING REFERRAL SERVICE AGENCY KNOWS OR HAS REASON TO KNOW THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER WORKED OR RESIDED DURING THE PAST 7 YEARS; AND

2. ISSUE A STATEMENT OF ITS FINDINGS TO:

A. ON REQUEST, THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER; AND

B. THE NURSING REFERRAL SERVICE AGENCY; AND

(Over)

(II) THE LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER SHALL HAVE AN OPPORTUNITY TO CONTEST THE FINDINGS.”;

after line 15, insert:

“(A) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF THIS SUBTITLE.

(2) THE REGULATIONS MAY NOT PRECLUDE A NURSING REFERRAL SERVICE AGENCY FROM OPERATING WITH INDEPENDENT CONTRACTORS.”;

and in lines 16, 20, and 24, strike “(A)”, “(B)”, and “(C)”, respectively, and substitute “(B)”, “(C)”, and “(D)”, respectively.

On page 11, in line 4, after “FOR” insert “THE”; in the same line, strike “PART OF THE CODE” and substitute “PROVISION OF LAW”; in line 6, strike “BASED ON WHICH THE LICENSE WAS GRANTED.” and substitute “ON WHICH THE GRANTING OF THE LICENSE WAS BASED”; in line 7, strike “BASED”; and in line 8, strike “LICENSE WAS GRANTED” and substitute “GRANTING OF THE LICENSE WAS BASED”.