

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL NO. 550
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “requiring” in line 5 down through “complaints;” in line 9; strike beginning with “requiring” in line 11 down through “fees;” in line 12; in line 12, strike “certain individuals to be licensed before” and substitute “a nursing referral service agency to obtain a license from the Department prior to”; strike beginning with the second “requiring” in line 13 down through “professionals;” in line 15; strike beginning with “notify” in line 16 down through “agencies;” in line 20 and substitute “institute a certain complaint investigation process; requiring the Department to issue a certain license under certain circumstances; authorizing the Department to suspend or revoke a certain license under certain circumstances;”; and in line 22, after “violations;” insert “providing that the granting of a certain license does not constitute a finding of a certain fact and may not give rise to a certain presumption;”.

On page 2, in line 4, strike “19-4B-09” and substitute “19-4B-06”.

AMENDMENT NO. 2

On page 5, after line 22, insert:

“(B) “CARE PROVIDER” MEANS AN INDIVIDUAL WHO PROVIDES HEALTH CARE SERVICES AND ASSISTANCE TO A CLIENT IN THE ACTIVITIES OF DAILY LIVING, INCLUDING:

- (1) BATHING, TOILETING, AND PERSONAL HYGIENE;
- (2) DRESSING;
- (3) MEAL PREPARATION AND EATING;

(Over)

(4) COMPANIONSHIP; AND

(5) ASSISTANCE IN PHYSICAL TRANSFER AND AMBULATION.

(C) “HOME HEALTH AID SERVICES” MEANS PERSONAL AND HEALTH CARE SERVICES DELIVERED TO A CLIENT BY A CARE PROVIDER.”;

in line 23, strike “(B)” and substitute “(D)”; in line 24, strike “(C)” and substitute “(E)”; in line 27, strike “(D)” and substitute “(F)”; in line 28, after “REFERRING” insert “, DIRECTLY OR IN ACCORDANCE WITH CONTRACTUAL ARRANGEMENTS THAT MAY INCLUDE INDEPENDENT CONTRACTORS,”; in line 29, after “PROFESSIONALS” insert “OR CARE PROVIDERS”; in the same line, after “SKILLED” insert “OR CERTIFIED”; and in line 31, strike “IN THE RESIDENCE OF THE CLIENT” and substitute “AT THE REQUEST OF THE CLIENT”.

AMENDMENT NO. 3

On pages 6 through 8, strike beginning with line 2 on page 6 through line 22 on page 8, inclusive, and substitute:

“(A) (1) A NURSING REFERRAL SERVICE AGENCY MAY RECEIVE A FEE OR OTHER COMPENSATION FOR PROVIDING ITS SERVICES.

(2) A CONTRACTUAL ARRANGEMENT MAY PROVIDE THAT A NURSING REFERRAL SERVICE AGENCY IS NOT RESPONSIBLE FOR PAYING ANY PART OF THE COMPENSATION TO THE LICENSED HEALTH CARE PROFESSIONALS OR CARE PROVIDERS THAT THE NURSING REFERRAL SERVICE AGENCY SCREENS OR REFERS TO CLIENTS.

(3) A NURSING REFERRAL SERVICE AGENCY MAY PROVIDE ADMINISTRATIVE ASSISTANCE.

(B) A NURSING REFERRAL SERVICE AGENCY SHALL:

(1) OBTAIN A LICENSE FROM THE DEPARTMENT PRIOR TO OPERATING AS A NURSING REFERRAL SERVICE AGENCY;

(2) DEVELOP AND IMPLEMENT A PROCEDURE TO SCREEN LICENSED HEALTH PROFESSIONALS AND CARE PROVIDERS THAT INCLUDES THE FOLLOWING:

- (I) A STATE CRIMINAL HISTORY RECORDS CHECK;
 - (II) VERIFICATION OF CURRENT LICENSURE OR CERTIFICATION UNDER THE HEALTH OCCUPATIONS ARTICLE;
 - (III) A BASIC HEALTH SCREENING, INCLUDING A TUBERCULOSIS SCREENING;
 - (IV) VERIFICATION OF REFERENCES;
 - (V) VERIFICATION OF EMPLOYMENT HISTORY;
 - (VI) COMPLETION OF 1-9 FORMS; AND
 - (VII) AN IN-PERSON INTERVIEW OF A LICENSED HEALTH PROFESSIONAL AND CARE PROVIDER BEFORE ANY REFERRAL OF THE INDIVIDUAL IS MADE TO A CLIENT;
- (3) INSTITUTE AN INTERNAL CLIENT COMPLAINT INVESTIGATION PROCESS THAT INCLUDES:
- (I) NOTICE TO THE CLIENT OR CLIENT'S REPRESENTATIVE OF THE COMPLAINT PROCESS; AND
 - (II) PROTOCOLS TO INVESTIGATE COMPLAINTS;
- (4) PROVIDE NOTICE TO CLIENTS OF THE DEPARTMENT'S COMPLAINT HOTLINE NUMBER FOR COMPLAINTS ABOUT THE SERVICES PROVIDED BY AN INDIVIDUAL REFERRED BY THE NURSING REFERRAL SERVICE AGENCY; AND
- (5) ALLOW CLIENTS TO ACCEPT OR REJECT, AT THEIR DISCRETION, ANY LICENSED HEALTH PROFESSIONAL OR CARE PROVIDER REFERRED BY THE

NURSING REFERRAL SERVICE AGENCY.

19-4B-04.

(A) THE DEPARTMENT SHALL ISSUE A 3-YEAR LICENSE TO A NURSING REFERRAL SERVICE AGENCY AFTER THE NURSING REFERRAL SERVICE AGENCY:

- (1) COMPLETES AN APPLICATION FOR LICENSURE; AND
- (2) PAYS A LICENSING FEE OF \$1,000 TO THE DEPARTMENT.

(B) A LICENSE SHALL EXPIRE ON THE THIRD ANNIVERSARY OF ITS EFFECTIVE DATE UNLESS:

- (1) THE DEPARTMENT SUSPENDS OR REVOKES THE LICENSE; OR
- (2) THE LICENSE IS RENEWED.

(C) THE DEPARTMENT MAY SUSPEND OR REVOKE A LICENSE ISSUED UNDER THIS SECTION IF THE NURSING REFERRAL SERVICE AGENCY IS OPERATING IN VIOLATION OF THE REQUIREMENTS OF THIS SUBTITLE.

19-4B-05.

(A) AN INDIVIDUAL MAY NOT OPERATE OR ENGAGE IN, OR ATTEMPT TO OPERATE OR ENGAGE IN, OR HOLD ONE'S SELF OUT AS OPERATING OR ENGAGING IN THE BUSINESS OF A NURSING REFERRAL SERVICE AGENCY UNLESS THE INDIVIDUAL IS LICENSED UNDER THIS SUBTITLE.

(B) (1) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 FOR THE FIRST OFFENSE AND NOT EXCEEDING \$10,000 FOR ANY SUBSEQUENT OFFENSE.

- (2) EACH DAY A VIOLATION IS CONTINUED AFTER THE FIRST

CONVICTION IS A SEPARATE OFFENSE.

19-4B-06.

FOR PURPOSES OF ANY OTHER PART OF THE CODE, THE GRANTING OF A LICENSE UNDER THIS SUBTITLE DOES NOT CONSTITUTE A FINDING OF ANY FACT BASED ON WHICH THE LICENSE WAS GRANTED, AND MAY NOT GIVE RISE TO ANY PRESUMPTION REGARDING THE EXISTENCE OF ANY FACT BASED ON WHICH THE LICENSE WAS GRANTED.”.