
By: **Senator Hollinger**

Introduced and read first time: February 3, 2006

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Personal Care Providers - Registry and Training**

3 FOR the purpose of requiring personal care providers to register with the Department
4 of Health and Mental Hygiene and receive certain training before the provider
5 may provide personal care in the State; requiring the Department to adopt
6 certain regulations providing for registry and training of personal care
7 providers; defining certain terms; and generally relating to registry and training
8 of personal care providers.

9 BY adding to

10 Article - Health - General

11 Section 19-4C-01 through 19-4C-03, inclusive, to be under the new subtitle

12 "Subtitle 4C. Personal Care Providers"

13 Annotated Code of Maryland

14 (2005 Replacement Volume and 2005 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Health - General**

18 **SUBTITLE 4C. PERSONAL CARE PROVIDERS.**

19 19-4C-01.

20 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS

21 INDICATED.

22 (B) (1) "PERSONAL CARE" MEANS A SERVICE THAT AN INDIVIDUAL WOULD

23 NORMALLY PERFORM PERSONALLY, BUT FOR WHICH THE INDIVIDUAL NEEDS

24 PHYSICAL ASSISTANCE BECAUSE OF ADVANCED AGE, INFIRMITY, OR PHYSICAL OR

25 MENTAL LIMITATION.

26 (2) "PERSONAL CARE" MAY INCLUDE PROVIDING ASSISTANCE TO A

27 PATIENT IN THE FOLLOWING ACTIVITIES:

1 (I) PHYSICALLY ASSISTING AN INDIVIDUAL WHO OTHERWISE
2 WOULD BE UNABLE TO MOVE ABOUT INDEPENDENTLY;

3 (II) BATHING AN INDIVIDUAL;

4 (III) DRESSING AN INDIVIDUAL;

5 (IV) ASSISTING AN INDIVIDUAL TO GO TO AND FROM TOILETING
6 FACILITIES AND IN THE ACTIVITIES OF TOILETING; OR

7 (V) FEEDING AN INDIVIDUAL WHO IS INCAPABLE OF
8 SELF-FEEDING.

9 (3) "PERSONAL CARE" DOES NOT INCLUDE GRATUITOUS PROVISION OF
10 CARE BY SELF, FAMILY, OR FRIENDS.

11 (C) (1) "PERSONAL CARE PROVIDER" MEANS AN INDIVIDUAL OR ENTITY
12 THAT PROVIDES PERSONAL CARE IN RETURN FOR COMPENSATION.

13 (2) "PERSONAL CARE PROVIDER" INCLUDES A PERSONAL CARE
14 PROVIDER THAT IS REIMBURSED FOR PERSONAL CARE SERVICES BY THE MARYLAND
15 MEDICAL ASSISTANCE PROGRAM.

16 (3) "PERSONAL CARE PROVIDER" DOES NOT INCLUDE:

17 (I) A PROVIDER REGULATED UNDER TITLE 19, SUBTITLE 4 OF THIS
18 ARTICLE;

19 (II) A PROVIDER REGULATED UNDER TITLE 19, SUBTITLE 4A OF
20 THIS ARTICLE;

21 (III) A PROVIDER LICENSED OR CERTIFIED TO PROVIDE PERSONAL
22 CARE OR HEALTH CARE UNDER THE HEALTH OCCUPATIONS ARTICLE; OR

23 (IV) A CHILD CARE PROVIDER REGULATED UNDER TITLE 5,
24 SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

25 19-4C-02.

26 (A) A PERSONAL CARE PROVIDER SHALL REGISTER WITH THE DEPARTMENT
27 BEFORE THE PROVIDER MAY PROVIDE PERSONAL CARE IN THE STATE.

28 (B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT CREATE A
29 PUBLIC REGISTRY FOR PERSONAL CARE PROVIDERS.

30 (2) THE REGULATIONS REQUIRED UNDER THIS SUBSECTION SHALL
31 REQUIRE PERSONAL CARE PROVIDERS TO SUBMIT TO A CRIMINAL BACKGROUND
32 INVESTIGATION BEFORE THE PROVIDER MAY BE REGISTERED BY THE DEPARTMENT
33 TO PROVIDE PERSONAL CARE IN THE STATE.

1 19-4C-03.

2 (A) A PERSONAL CARE PROVIDER MUST RECEIVE A MINIMUM OF 10 HOURS OF
3 INTRODUCTORY TRAINING BEFORE THE PROVIDER MAY PROVIDE PERSONAL CARE
4 IN THE STATE.

5 (B) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE FOR
6 INTRODUCTORY TRAINING FOR PERSONAL CARE PROVIDERS.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 July 1, 2006.