
By: **Senator Hollinger**
Introduced and read first time: February 3, 2006
Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 17, 2006

CHAPTER _____

1 AN ACT concerning

2 **Personal Care Providers Assistance Services Advisory Committee - Registry**
3 **and Training Duties**

4 FOR the purpose of requiring ~~personal care providers to register with the Department~~
5 ~~of Health and Mental Hygiene and receive certain training before the provider~~
6 ~~may provide personal care in the State; requiring the Department to adopt~~
7 ~~certain regulations providing for registry and training of personal care~~
8 ~~providers; defining certain terms~~ the Personal Assistance Services Advisory
9 Committee in the Department of Disabilities' Office of Personal Assistance
10 Services to make recommendations to the Department on the implementation of
11 a public registry for personal care workers; and generally relating to registry
12 ~~and training of personal care providers~~ the Personal Assistance Services
13 Advisory Committee.

14 BY ~~adding to~~ repealing and reenacting, with amendments,
15 Article - Health—General State Government
16 Section 19-4C-01 through 19-4C-03, inclusive, to be under the new subtitle
17 "Subtitle 4C. Personal Care Providers" 9-1119(b)
18 Annotated Code of Maryland
19 (2005 2004 Replacement Volume and 2005 Supplement)

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

1

Article - State Government

2 9-1119.

3 (b) (1) The purpose of the Advisory Committee is to provide guidance to the
4 Department on personal care, attendant care, and home care services, including:

5 [(1)] (I) the development of standards for the training of personal care
6 workers;

7 [(2)] (II) the feasibility of establishing a referral system of individual
8 providers;

9 [(3)] (III) the feasibility of establishing a registry for personal care
10 workers; and

11 [(4)] (IV) compensation levels provided to personal care workers for
12 personal assistance services.

13 (2) THE ADVISORY COMMITTEE SHALL MAKE RECOMMENDATIONS TO
14 THE DEPARTMENT ON THE IMPLEMENTATION OF A PUBLIC REGISTRY FOR
15 PERSONAL CARE WORKERS.

16 **Article - Health - General**

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

18 ~~49-4C-01.~~

19 (A) ~~IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~
20 ~~INDICATED.~~

21 (B) (1) ~~"PERSONAL CARE" MEANS A SERVICE THAT AN INDIVIDUAL WOULD~~
22 ~~NORMALLY PERFORM PERSONALLY, BUT FOR WHICH THE INDIVIDUAL NEEDS~~
23 ~~PHYSICAL ASSISTANCE BECAUSE OF ADVANCED AGE, INFIRMITY, OR PHYSICAL OR~~
24 ~~MENTAL LIMITATION.~~

25 (2) ~~"PERSONAL CARE" MAY INCLUDE PROVIDING ASSISTANCE TO A~~
26 ~~PATIENT IN THE FOLLOWING ACTIVITIES:~~

27 (I) ~~PHYSICALLY ASSISTING AN INDIVIDUAL WHO OTHERWISE~~
28 ~~WOULD BE UNABLE TO MOVE ABOUT INDEPENDENTLY;~~

29 (II) ~~BATHING AN INDIVIDUAL;~~

30 (III) ~~DRESSING AN INDIVIDUAL;~~

31 (IV) ~~ASSISTING AN INDIVIDUAL TO GO TO AND FROM TOILETING~~
32 ~~FACILITIES AND IN THE ACTIVITIES OF TOILETING; OR~~

1 ~~(V) FEEDING AN INDIVIDUAL WHO IS INCAPABLE OF~~
2 ~~SELF-FEEDING.~~

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

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

7 ~~(2) "PERSONAL CARE PROVIDER" INCLUDES A PERSONAL CARE~~
8 ~~PROVIDER THAT IS REIMBURSED FOR PERSONAL CARE SERVICES BY THE MARYLAND~~
9 ~~MEDICAL ASSISTANCE PROGRAM.~~

10 ~~(3) "PERSONAL CARE PROVIDER" DOES NOT INCLUDE:~~

11 ~~(I) A PROVIDER REGULATED UNDER TITLE 19, SUBTITLE 4 OF THIS~~
12 ~~ARTICLE;~~

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

15 ~~(III) A PROVIDER LICENSED OR CERTIFIED TO PROVIDE PERSONAL~~
16 ~~CARE OR HEALTH CARE UNDER THE HEALTH OCCUPATIONS ARTICLE; OR~~

17 ~~(IV) A CHILD CARE PROVIDER REGULATED UNDER TITLE 5,~~
18 ~~SUBTITLE 5 OF THE FAMILY LAW ARTICLE.~~

19 ~~19-4C-02.~~

20 ~~(A) A PERSONAL CARE PROVIDER SHALL REGISTER WITH THE DEPARTMENT~~
21 ~~BEFORE THE PROVIDER MAY PROVIDE PERSONAL CARE IN THE STATE.~~

22 ~~(B) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT CREATE A~~
23 ~~PUBLIC REGISTRY FOR PERSONAL CARE PROVIDERS.~~

24 ~~(2) THE REGULATIONS REQUIRED UNDER THIS SUBSECTION SHALL~~
25 ~~REQUIRE PERSONAL CARE PROVIDERS TO SUBMIT TO A CRIMINAL BACKGROUND~~
26 ~~INVESTIGATION BEFORE THE PROVIDER MAY BE REGISTERED BY THE DEPARTMENT~~
27 ~~TO PROVIDE PERSONAL CARE IN THE STATE.~~

28 ~~19-4C-03.~~

29 ~~(A) A PERSONAL CARE PROVIDER MUST RECEIVE A MINIMUM OF 10 HOURS OF~~
30 ~~INTRODUCTORY TRAINING BEFORE THE PROVIDER MAY PROVIDE PERSONAL CARE~~
31 ~~IN THE STATE.~~

32 ~~(B) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT PROVIDE FOR~~
33 ~~INTRODUCTORY TRAINING FOR PERSONAL CARE PROVIDERS.~~

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

