

# HOUSE BILL 542

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By: **Delegates Robinson, Barkley, Conaway, Doory, Dumais, Glenn, Heller, Howard, Kaiser, Manno, Pena-Melnyk, Proctor, and Tarrant**  
Introduced and read first time: January 31, 2008  
Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Database for Terminated Health Occupation Licensees and Employees Who**  
3 **Provide Services to Individuals with Developmental Disabilities**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish  
5 a database that includes information on certain employees of certain licensees  
6 who provide services to individuals with developmental disabilities and  
7 licensees of certain health occupations who were terminated for certain reasons;  
8 authorizing certain licensees and employers to access a certain database; and  
9 generally relating to a database for terminated licensees and employees.

10 BY repealing and reenacting, with amendments,  
11 Article – Health – General  
12 Section 7–904  
13 Annotated Code of Maryland  
14 (2005 Replacement Volume and 2007 Supplement)

15 BY adding to  
16 Article – Health Occupations  
17 Section 1–214  
18 Annotated Code of Maryland  
19 (2005 Replacement Volume and 2007 Supplement)

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

22 **Article – Health – General**

23 7–904.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (a) The Secretary shall adopt rules and regulations for the licensing of  
2 services for an individual with developmental disability or a recipient of individual  
3 support services.

4 (b) The rules and regulations shall ensure that services to an individual with  
5 developmental disability or a recipient of individual support services are provided in  
6 accordance with the policy stated in Subtitle 1 of this title.

7 (c) (1) The rules and regulations shall require that:

8 (i) At least 75% of the governing body of a licensee shall be  
9 residents of the State or reside within a 100-mile radius of the administrative offices  
10 of the licensee, which shall be located in the State; and

11 (ii) No employee of a licensee or immediate family member of an  
12 employee of a licensee may serve as a voting member of the governing body of a  
13 licensee unless:

14 1. The employee receives services from the licensee; or

15 2. The Administration explicitly approves the  
16 composition of the governing body through an innovative program service plan in  
17 accordance with COMAR 10.22.02.09.F.

18 (2) The requirements of paragraph (1)(i) of this subsection may be  
19 waived if a community-based advisory board or committee is established by the  
20 licensee and approved by the Department.

21 (d) The rules and regulations shall also require [that]:

22 (1) **THAT** an applicant for a license under this section shall  
23 demonstrate to the Department the applicant's capability to provide for or arrange for  
24 the provision of all applicable services required by this chapter by submitting, at a  
25 minimum, the following documents to the Department:

26 [(1)](I) A business plan that clearly demonstrates the ability  
27 of the applicant to provide services in accordance with Maryland regulations and  
28 funding requirements;

29 [(2)](II) A summary of the applicant's demonstrated  
30 experience in the field of developmental disabilities, in accordance with standards  
31 developed by the Department;

32 [(3)](III) Prior licensing reports issued within the previous 10  
33 years from any in-State or out-of-state entities associated with the applicant,  
34 including deficiency reports and compliance records on which the State may make  
35 reasoned decisions about the qualifications of the applicant; and

1                    [(4)](IV) A written quality assurance plan, approved by the  
2 Developmental Disabilities Administration, to address how the applicant will ensure  
3 the health and safety of the individuals served by the applicant and the quality of  
4 services provided to individuals by the applicant; AND

5                    **(2) THE ESTABLISHMENT OF A DATABASE THAT:**

6                    **(I) INCLUDES INFORMATION ON EMPLOYEES FOR**  
7 **LICENSEES UNDER THIS TITLE WHO WERE TERMINATED FOR CLIENT ABUSE OR**  
8 **NEGLECT, STEALING FROM A CLIENT OR LICENSEE, CHRONIC ABSENTEEISM, OR**  
9 **POOR WORK PERFORMANCE;**

10                    **(II) A LICENSEE UNDER THIS TITLE MAY ACCESS TO**  
11 **DETERMINE IF AN INDIVIDUAL SEEKING EMPLOYMENT HAS BEEN TERMINATED**  
12 **FOR A REASON LISTED UNDER ITEM (I) OF THIS ITEM; AND**

13                    **(III) IS ESTABLISHED IN CONJUNCTION WITH THE DATABASE**  
14 **REQUIRED UNDER § 1-214 OF THE HEALTH OCCUPATIONS ARTICLE.**

15                    **Article - Health Occupations**

16 **1-214.**

17                    **THE SECRETARY SHALL ESTABLISH A DATABASE THAT:**

18                    **(1) INCLUDES INFORMATION ON LICENSEES UNDER THIS**  
19 **ARTICLE WHO WERE TERMINATED FOR PATIENT ABUSE OR NEGLECT, STEALING**  
20 **FROM A PATIENT OR EMPLOYER, CHRONIC ABSENTEEISM, OR POOR WORK**  
21 **PERFORMANCE;**

22                    **(2) AN EMPLOYER MAY ACCESS TO DETERMINE IF A LICENSEE**  
23 **UNDER THIS ARTICLE SEEKING EMPLOYMENT HAS BEEN TERMINATED FOR A**  
24 **REASON LISTED UNDER ITEM (1) OF THIS SECTION; AND**

25                    **(3) IS ESTABLISHED IN CONJUNCTION WITH THE DATABASE**  
26 **REQUIRED UNDER § 7-904(D)(2) OF THE HEALTH - GENERAL ARTICLE.**

27                    SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 October 1, 2008.