

Department of Legislative Services  
 Maryland General Assembly  
 2009 Session

FISCAL AND POLICY NOTE

House Bill 499 (Delegate Robinson, *et al.*)  
 Health and Government Operations

Department of Health and Mental Hygiene - Health Care Facilities - Database of Terminated Employees

This bill requires the Secretary of Health and Mental Hygiene to establish a database that includes the name and Social Security number of any employee terminated for abusing or neglecting a person in a health care facility.

Fiscal Summary

**State Effect:** Department of Health and Mental Hygiene (DHMH) expenditures increase by \$228,300 (66.6% general funds/33.3% federal funds) in FY 2010 to establish and maintain the required database. Future years reflect annualization and inflation.

(in dollars)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	153,000	101,900	107,000	112,300	117,800
FF Expenditure	75,400	50,200	52,700	55,300	58,000
Net Effect	(\$228,300)	(\$152,100)	(\$159,600)	(\$167,500)	(\$175,900)

*Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect*

**Local Effect:** None.

**Small Business Effect:** Minimal to none.

Analysis

**Bill Summary:** An employee must be placed in the database if an investigation finds that the abuse occurred and the employee is terminated but no charges are filed. A health care facility may access the database if the licensing authority has determined that the

health care facility should have access to the database and the facility is determining whether a person seeking employment is listed in the database. The health care facility may not allow an employee to access the database unless the employee has been granted access to confidential records

**Current Law:** “Health care facility” generally refers to hospitals, nursing homes, ambulatory surgical facilities, certain inpatient facilities for the disabled, home health agency, and hospices. A continuing care retirement community (CCRC) is not a health care facility.

**Background:** According to the Office of Health Care Quality, DHMH would need to collect termination information from at least 2,100 licensed health care facilities under the bill, including 1,416 assisted living facilities, 366 ambulatory surgical centers, 233 nursing homes, 69 hospitals, 53 home health agencies, 31 hospices, and 4 intermediate care facilities for the mentally retarded/State residential centers.

Typically, if an employee working with vulnerable populations commits suspected abuse or neglect, the facility completes an incidence report with its licensing agency and an investigation is conducted. If the investigation finds that the abuse or neglect took place, the employee is terminated. In many cases, the abuse or neglect may not be criminal; thus, no charges are filed. Following termination, the employee may seek employment at another facility that is unaware of the prior abuse or neglect committed by that individual.

**State Fiscal Effect:** DHMH expenditures increase by \$228,348 in fiscal 2010, which accounts for the bill’s October 1, 2009 effective date. The Office of Health Care Quality anticipates a 33.3% federal match on expenditures. This estimate reflects the cost of hiring one full-time administrator to oversee the database, one office services clerk to input data, and one part-time assistant Attorney General to review and evaluate individuals submitted for inclusion in the database. It includes salaries, fringe benefits, one-time start-up costs, contractual services for the development of the database, hardware and hosting fees for the database, and ongoing operating expenses.

Positions	2.5
Salaries and Fringe Benefits	\$111,009
Contractual Services	89,000
Hardware and Hosting Fees	15,000
Other Operating Expenses	<u>13,339</u>
<b>Total FY 2010 State Expenditures</b>	<b>\$228,348</b>

Future year expenditures reflect full salaries with 4.4% annual increases and 3% employee turnover and 1% annual increases in ongoing operating expenses.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Human Resources, Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - February 20, 2009  
ncs/mwc

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