

Department of Legislative Services
 Maryland General Assembly
 2010 Session

FISCAL AND POLICY NOTE
 Revised

House Bill 1162 (Delegate Robinson, *et al.*)
 Health and Government Operations

Department of Health and Mental Hygiene - Health Care Facilities - Abuser
 Registry

This bill requires the Secretary of Health and Mental Hygiene to establish a registry that includes the name and Social Security number of any employee terminated for abusing or neglecting a person in a health care facility. The bill prohibits a health care facility from employing an individual who is listed in the registry and requires each health care facility to adopt an employee grievance procedure.

Fiscal Summary

State Effect: Department of Health and Mental Hygiene (DHMH) expenditures increase by \$213,493 (67% general funds/33% federal funds) in FY 2011 to establish and maintain the required registry. Future years reflect annualization and inflation.

(in dollars)	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
FF Revenue	\$70,500	\$49,900	\$52,100	\$54,400	\$56,800
GF Expenditure	\$143,000	\$101,400	\$105,800	\$110,500	\$115,400
FF Expenditure	\$70,500	\$49,900	\$52,100	\$54,400	\$56,800
Net Effect	(\$143,000)	(\$101,400)	(\$105,800)	(\$110,500)	(\$115,400)

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

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: An employee must be placed in the registry if (1) the employee grievance procedure established under the bill has been followed; (2) an investigation finds that the abuse occurred; (3) the employee has been terminated; and (4) no charges have been filed. The registry must include terminated employees for abusing or neglecting the following individuals: a senior citizen, a disabled individual, a developmentally disabled individual, an individual receiving care by an in-home aide, or any individual incapable of self-defense.

A health care facility may access the registry if the licensing authority has determined that the health care facility should have access to the registry and the facility is determining whether a person seeking employment is listed in the registry. The health care facility may not allow an employee to access the registry unless the employee has been granted access to confidential records. However, a person responsible for an individual who is receiving care by an in-home aide may access the registry.

Current Law: “Health care facility” generally refers to hospitals, nursing homes, ambulatory surgical facilities, certain inpatient facilities for the disabled, home health agencies, 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 2,157 licensed health care facilities under the bill, including 1,400 assisted living facilities, 366 ambulatory surgical centers, 234 nursing homes, 69 hospitals, 53 home health agencies, 31 hospices, and 4 intermediate care facilities for individuals with an intellectual disability/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 \$213,493 (\$143,040 in general fund expenditures and \$70,453 in federal fund expenditures, offset by corresponding federal fund revenues) in fiscal 2011, which accounts for the bill’s October 1, 2010 effective date. The Office of Health Care Quality anticipates a 33% federal match on expenditures. This estimate reflects the cost of hiring one full-time administrator to oversee the registry, one part-time office services clerk to input data, and one part-time

assistant Attorney General to review and evaluate individuals submitted for inclusion in the registry. It includes salaries, fringe benefits, one-time start-up costs, contractual services for the development of the registry, hardware and hosting fees for the registry, and ongoing operating expenses.

Positions	2.0
Salaries and Fringe Benefits	\$96,293
Contractual Services	89,000
Hardware and Hosting Fees	9,600
Other Operating Expenses	<u>18,600</u>
Total FY 2011 State Expenditures	\$213,493

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

Additional Information

Prior Introductions: A similar bill, HB 499 of 2009, received a hearing in the House Health and Government Operations Committee and was subsequently withdrawn.

Cross File: None.

Information Source(s): Baltimore, Garrett, and Montgomery counties; Department of Human Resources; Department of Health and Mental Hygiene; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - March 11, 2010
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