J3, O2, O3

2lr2094
CF 2lr1572

By: Senators Pugh, Benson, Forehand, Jones-Rodwell, King, Klausmeier, Manno, Montgomery, Muse, Peters, and Stone

Introduced and read first time: January 27, 2012

Assigned to: Finance

A BILL ENTITLED

1	AN ACT concerning			
2 3	Department of Health and Mental Hygiene – Health Care Facilities – Abuser Registry			
4	FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish			
5	a registry that includes certain information on certain employees of health care			
6	facilities who provide services to certain individuals and who were terminated			
7	for certain reasons; requiring the placement of a certain employee on the			
8	registry under certain circumstances; authorizing certain health care facilities			
9	to have access to the registry; prohibiting a health care facility from allowing an			
10	employee to access the registry except under certain circumstances; authorizing			
11	a person responsible for a certain individual to access the registry; requiring a			
12	health care facility to adopt a certain procedure; prohibiting a health care			
13	facility from hiring certain individuals; defining certain terms; and generally			
14	relating to a registry of terminated employees of health care facilities.			
15	BY repealing and reenacting, without amendments,			
16	Article – Health – General			
17	Section 19–114(d)			
18	Annotated Code of Maryland			
19	(2009 Replacement Volume and 2011 Supplement)			
20	BY adding to			
21	Article – Health – General			
22	Section 19–347.1 and 19–351(e) and (f)			
23	Annotated Code of Maryland			
24	(2009 Replacement Volume and 2011 Supplement)			
25	BY repealing and reenacting, with amendments,			
26	Article – Health – General			
27	Section 19–351(a)			

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



$\frac{1}{2}$	Annotated Code of Maryland (2009 Replacement Volume and 2011 Supplement)		
3 4	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:		
5	Article - Health - General		
6	19–114.		
7	(d) (1) "Health care facility" means:		
8	(i) A hospital, as defined in § 19–301 of this title;		
9	(ii) A limited service hospital, as defined in § 19–301 of this title;		
1	(iii) A related institution, as defined in § 19–301 of this title;		
12	(iv) An ambulatory surgical facility;		
13 14 15	(v) An inpatient facility that is organized primarily to help in the rehabilitation of disabled individuals, through an integrated program of medical and other services provided under competent professional supervision;		
16	(vi) A home health agency, as defined in § 19–401 of this title;		
L 7	(vii) A hospice, as defined in § 19–901 of this title;		
18 19	(viii) A freestanding medical facility, as defined in $\$ 19–3A–01 of this title; and		
20 21	(ix) Any other health institution, service, or program for which this Part II of this subtitle requires a certificate of need.		
22	(2) "Health care facility" does not include:		
23 24	(i) A hospital or related institution that is operated, or is listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;		
25 26 27 28	(ii) For the purpose of providing an exemption from a certificate of need under § 19–120 of this subtitle, a facility to provide comprehensive care constructed by a provider of continuing care, as defined in § 10–401 of the Human Services Article, if:		
29 30	1. Except as provided under § 19–123 of this subtitle, the facility is for the exclusive use of the provider's subscribers who have executed		

- 1 continuing care agreements and paid entrance fees that are at least equal to the
- 2 lowest entrance fee charged for an independent living unit or an assisted living unit
- 3 before entering the continuing care community, regardless of the level of care needed
- 4 by the subscribers at the time of admission;
- 5 2. The facility is located on the campus of the continuing
- 6 care community; and
- 7 3. The number of comprehensive care nursing beds in
- 8 the community does not exceed:
- A. 24 percent of the number of independent living units
- in a community having less than 300 independent living units; or
- B. 20 percent of the number of independent living units
- in a community having 300 or more independent living units;
- 13 (iii) Except for a facility to provide kidney transplant services or
- programs, a kidney disease treatment facility, as defined by rule or regulation of the
- 15 United States Department of Health and Human Services;
- 16 (iv) Except for kidney transplant services or programs, the
- kidney disease treatment stations and services provided by or on behalf of a hospital
- 18 or related institution; or
- 19 (v) The office of one or more individuals licensed to practice
- 20 dentistry under Title 4 of the Health Occupations Article, for the purposes of
- 21 practicing dentistry.
- 22 **19–347.1.**
- 23 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
- 24 MEANINGS INDICATED.
- 25 (2) "APPROPRIATE AUTHORITY" INCLUDES CHILD PROTECTIVE
- 26 SERVICES, THE OFFICE OF HEALTH CARE QUALITY, THE DEPARTMENT, AND A
- 27 LAW ENFORCEMENT AGENCY.
- 28 (3) "HEALTH CARE FACILITY" HAS THE MEANING STATED IN
- 29 **§ 19–114 OF THIS TITLE.**
- 30 (B) THE SECRETARY SHALL ESTABLISH A REGISTRY THAT INCLUDES
- 31 THE NAME AND SOCIAL SECURITY NUMBER OF ANY EMPLOYEE WHO HAS BEEN
- 32 TERMINATED FOR ABUSING OR NEGLECTING ANY OF THE FOLLOWING
- 33 INDIVIDUALS IN A HEALTH CARE FACILITY:

19–351.

25

1	(1)	A SENIOR CITIZEN;	
2	(2)	A DISABLED INDIVIDUAL;	
3	(3)	A DEVELOPMENTALLY DISABLED INDIVIDUAL;	
4	(4)	AN INDIVIDUAL RECEIVING CARE BY AN IN-HOME AIDE; OR	
5	(5)	ANY INDIVIDUAL INCAPABLE OF SELF-DEFENSE.	
6	(C) THE	EMPLOYEE SHALL BE PLACED IN THE REGISTRY IF:	
7 8 9	(1) THE EMPLOYEE GRIEVANCE PROCEDURE ADOPTED BY THE HEALTH CARE FACILITY IN ACCORDANCE WITH § 19–351(E) OF THIS SUBTITLE HAS BEEN FOLLOWED;		
10 11	(2) HEALTH CARE F.	AN INVESTIGATION HAS BEEN COMPLETED BY BOTH THE ACILITY AND AN APPROPRIATE AUTHORITY;	
12	(3)	THE ABUSE HAS BEEN DEEMED TO HAVE OCCURRED;	
13	(4)	THE EMPLOYEE HAS BEEN TERMINATED; AND	
14	(5)	NO CHARGES HAVE BEEN FILED.	
15	(D) (1)	A HEALTH CARE FACILITY MAY ACCESS THE REGISTRY IF:	
16 17	THE HEALTH CA	(I) THE LICENSING AUTHORITY HAS DETERMINED THAT RE FACILITY SHOULD HAVE ACCESS TO THE REGISTRY; AND	
18 19	WHETHER AN IN	(II) THE HEALTH CARE FACILITY IS DETERMINING DIVIDUAL SEEKING EMPLOYMENT IS LISTED IN THE REGISTRY.	
20 21 22	(2) TO ACCESS THE TO CONFIDENTL	THE HEALTH CARE FACILITY MAY NOT ALLOW AN EMPLOYER REGISTRY UNLESS THE EMPLOYEE HAS BEEN GRANTED ACCESS AL RECORDS.	
23 24	` /	ERSON RESPONSIBLE FOR AN INDIVIDUAL WHO IS RECEIVING	

- 1 (a) Except as provided in subsections (b) [and], (d), AND (F) of this section, 2 this subtitle does not affect the right of a hospital or related institution to employ ANY 3 INDIVIDUAL or appoint staff.
- 4 (E) EACH HEALTH CARE FACILITY SHALL ADOPT AN EMPLOYEE 5 GRIEVANCE PROCEDURE.
- 6 (F) A HEALTH CARE FACILITY MAY NOT EMPLOY AN INDIVIDUAL WHO IS 7 LISTED IN THE REGISTRY ESTABLISHED UNDER § 19–347.1 OF THIS SUBTITLE.
- 8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 9 October 1, 2012.