

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 355

(Senator Pugh, *et al.*)

Finance

Health and Government Operations

Office of Health Care Quality - Abuser Registry Workgroup

This bill requires the Office of Health Care Quality (OHCQ) in the Department of Health and Mental Hygiene (DHMH) to reconvene the Abuser Registry Workgroup originally convened in 2012. The workgroup must (1) review the previous work of the workgroup and the alternative approach described previously; (2) monitor the implementation of previously specified recommendations; and (3) recommend changes in statutory law, regulations, or procedures to deter abuse and neglect in health care settings. OHCQ must, by January 1, 2014, report to the Governor and specified committees of the General Assembly on the workgroup's findings and recommendations.

The bill takes effect June 1, 2013, and terminates June 30, 2014.

Fiscal Summary

State Effect: This bill's requirements can be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law/Background: As amended, SB 316 of 2012 would have required DHMH to convene a workgroup to examine issues relating to the creation of a health care facility abuser registry and to report its findings and recommendations to specified committees of the General Assembly by December 1, 2012. Although this bill did not pass, OHCQ voluntarily convened an Abuser Registry Workgroup comprising representatives of OHCQ, the Office of the Attorney General, law enforcement agencies, health care

providers, and the advocate community. The workgroup outlined its findings and conclusions in a letter dated January 14, 2013.

The report cited, among its concerns, (1) the absence of a clear national model for an abuser registry; (2) lack of consensus as to who should be able to access such a registry; (3) unresolved due-process issues; (4) potential conflicts with the role and authority of licensing boards; and (5) cost.

The workgroup suggested several alternatives to establishing a registry, including (1) providing broader access to criminal background checks for licensing boards; (2) offering better education regarding the pursuit of criminal charges; (3) strengthening current background check processes for direct care workers; and (4) expanding the reference check process by requiring prospective employees to list their last five places of employment.

Additional Information

Prior Introductions: SB 316 of 2012, which would have established the workgroup, passed the Senate, but no further action was taken on the bill.

Cross File: HB 57 (Delegate B. Robinson) - Health and Government Operations.

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

Fiscal Note History: First Reader - January 25, 2013
mlm/ljm Revised - Senate Third Reader - April 2, 2013

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