

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

House Bill 279 (Delegate B. Robinson, *et al.*)  
Health and Government Operations

---

**Department of Health and Mental Hygiene - Abuser Registry Workgroup**  
**Recommendations - Report**

---

This bill requires the Department of Health and Mental Hygiene (DHMH) to provide a progress report on the status of implementing the recommendations of the Abuser Registry Workgroup. DHMH must report on (1) the creation of a universal definition of abuse; (2) reducing incidences of abuse in health care settings through education about reporting requirements, awareness of abuse and neglect, and consistent enforcement of existing laws; (3) assessing the feasibility of establishing an employee database of direct access employees as part of either a Maryland Background Check Program or a separate and parallel system; and (4) establishing the Maryland Background Check Program as a tool to reduce abuse, neglect, and misappropriation of funds in long-term care facilities. The report must be delivered to the Governor and the General Assembly by September 1, 2016.

The bill takes effect June 1, 2016.

---

**Fiscal Summary**

**State Effect:** The bill's requirements can be handled with existing budgeted resources, as discussed below.

**Local Effect:** None.

**Small Business Effect:** None.

---

## Analysis

**Current Law/Background:** Background checks and databases of direct access employees have been active areas of discussion in recent years. As amended, Senate Bill 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. Although that bill did not pass, the Office of Health Care Quality (OHCQ) voluntarily convened an Abuser Registry Workgroup. The workgroup outlined its findings and conclusions in a letter dated January 14, 2013.

Subsequently, as required by Chapters 239 and 606 of 2013, the 2012 Abuser Registry Workgroup reconvened. In its report issued in March 2014, the workgroup recommended (1) considering creating a universal definition of abuse; (2) continuing to raise awareness of abuse and neglect among consumers and other stakeholders; (3) increasing educational opportunities regarding the identification and reporting of abuse for providers, direct access employees, first responders, prosecutors, and others; (4) promoting complete and consistent enforcement of current law and regulations; (5) reviewing and revising, as needed, regulations which provide consequences to employers who fail to report an employee suspected of or having committed abuse or neglect; (6) considering creating an employee database of direct access employees as part of either a Maryland background check program or a separate and parallel system; and (7) establishing a Maryland background check program to reduce abuse and neglect through a more comprehensive system to identify individuals with a criminal history prior to hiring, while ensuring due process. To date, none of the recommendations has been implemented by legislation.

**State Fiscal Effect:** DHMH advises that OHCQ would be responsible for preparing the required report. OHCQ indicates that the bill requires hundreds of hours of staff time to research, coordinate, and create a report that includes a universal definition of abuse, recommendations for reducing abuse and neglect, and an assessment of the feasibility of establishing a database and the use of the Maryland Background Check Program. As such, OHCQ advises that producing the report competes with other mandated activities, such as licensure, certification, and survey activities, including the investigation of allegations of abuse and neglect. OHCQ further advises that any delays in those activities could result in a loss of federal funds for failure to comply with certain mandates.

The Department of Legislative Services disagrees and notes that the bill only requires DHMH to provide a progress report on the *status of implementing* the recommendations of the Abuser Registry Workgroup, not to develop new assessments or recommendations. As a result, the bill's requirements can be handled with existing budgeted resources.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 3, 2016  
mel/ljm

---

Analysis by: Nathan W. McCurdy

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510