

HOUSE BILL 141

J1, J2

(PRE-FILED)

11r0318
CF SB 275

By: ~~Delegate Sample-Hughes~~

Requested: August 31, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Maryland Department of Health – Residential Service Agencies – Training**
3 **Requirements**

4 FOR the purpose of requiring each residential service agency, beginning on a certain date,
5 to ensure that certain individuals receive certain training relating to dementia,
6 subject to certain exceptions; providing that certain training may be provided by a
7 certain supervisory staff member; ~~prohibiting providing that~~ a residential service
8 agency ~~from requiring~~ is not required to provide certain individuals ~~to complete~~
9 certain training under certain circumstances; requiring ~~an individual~~ a person who
10 provides certain training to issue a certification of completion to each individual who
11 completes the training; requiring each residential service agency to maintain certain
12 records; requiring certain individuals who have not received certain training to
13 complete certain training on or before a certain date; defining a certain term;
14 providing for the application of this Act; and generally relating to residential service
15 agencies.

16 BY repealing and reenacting, without amendments,
17 Article – Health – General
18 Section 19-4A-01(a) and (e)
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2020 Supplement)

21 BY adding to
22 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 19–4A–03.1
2 Annotated Code of Maryland
3 (2019 Replacement Volume and 2020 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
5 That the Laws of Maryland read as follows:

6 **Article – Health – General**

7 19–4A–01.

8 (a) In this subtitle the following words have the meanings indicated.

9 (e) (1) “Residential service agency” means any person that is engaged in a
10 nongovernmental business of employing or contracting with individuals to provide home
11 health care for compensation to an unrelated sick or disabled individual in the residence of
12 that individual.

13 (2) “Residential service agency” includes any agency that employs or
14 contracts with individuals directly for hire as home health care providers.

15 (3) “Residential service agency” does not include:

16 (i) A home health agency that is licensed under the provisions of
17 Subtitle 4 of this title;

18 (ii) A person required to be licensed as a home health agency under
19 the provisions of Subtitle 4 of this title;

20 (iii) A home–based hospice care program that is licensed under the
21 provisions of Subtitle 9 of this title;

22 (iv) A hospital that is licensed under the provisions of Subtitle 3 of
23 this title;

24 (v) A related institution that is licensed under the provisions of
25 Subtitle 3 of this title;

26 (vi) Personal care providers under the Medical Assistance Personal
27 Care Program;

28 (vii) Any person practicing a health occupation that the person is
29 authorized to practice under the Health Occupations Article;

30 (viii) A nursing referral service agency that is licensed under Subtitle
31 4B of this title;

1 (ix) A group of persons licensed under the same title of the Health
2 Occupations Article practicing as a business; or

3 (x) Residential rehabilitation services providers approved under
4 regulations adopted by the State mental health authority.

5 **19-4A-03.1.**

6 (A) IN THIS SECTION, "SUPERVISORY STAFF" MEANS AN INDIVIDUAL WHO
7 SUPERVISES DIRECT CARE STAFF IN THE INDIVIDUAL'S CLINICAL ROLE.

8 (B) THIS SECTION DOES NOT APPLY TO A RESIDENTIAL SERVICE AGENCY
9 THAT ONLY PROVIDES DURABLE MEDICAL EQUIPMENT.

10 (C) (1) ~~BEGINNING~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS
11 SECTION, BEGINNING JULY 1, 2022, EACH RESIDENTIAL SERVICE AGENCY SHALL
12 ENSURE THAT:

13 (I) ~~EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,~~
14 ~~WITHIN~~ WITHIN 45 DAYS AFTER AN INDIVIDUAL'S START OF EMPLOYMENT AS PART
15 OF THE RESIDENTIAL SERVICE AGENCY'S DIRECT CARE OR SUPERVISORY STAFF,
16 THE INDIVIDUAL IS TRAINED TO PROVIDE THE CARE REQUIRED BY THE CLIENTS OF
17 THE RESIDENTIAL SERVICE AGENCY BY, AT A MINIMUM, PROVIDING 3 HOURS OF
18 ONLINE OR IN-PERSON TRAINING REGARDING DEMENTIA, INCLUDING TRAINING
19 REGARDING:

20 1. AN OVERVIEW OF ALZHEIMER'S DISEASE AND
21 DEMENTIA;

22 2. PERSON-CENTERED CARE;

23 3. AN UNDERSTANDING OF THE ASSESSMENT AND CARE
24 PLANNING PROCESS;

25 4. ACTIVITIES OF DAILY LIVING; AND

26 5. ALZHEIMER'S DISEASE AND DEMENTIA-RELATED
27 BEHAVIORS AND COMMUNICATION; AND

28 (II) EACH MEMBER OF THE RESIDENTIAL SERVICE AGENCY'S
29 DIRECT CARE OR SUPERVISORY STAFF RECEIVES 2 HOURS OF ONLINE OR
30 IN-PERSON CONTINUING EDUCATION TRAINING REGARDING ALZHEIMER'S DISEASE
31 AND DEMENTIA EACH CALENDAR YEAR.

1 **(2) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS**
 2 **SUBSECTION MAY BE PROVIDED BY A SUPERVISORY STAFF MEMBER WHO IS**
 3 **RESPONSIBLE FOR DEVELOPING AN INDIVIDUAL'S PLAN OF CARE AND ASSIGNING**
 4 **APPROPRIATE PERSONNEL.**

5 **(D) A RESIDENTIAL SERVICE AGENCY ~~MAY NOT REQUIRE AN INDIVIDUAL TO~~**
 6 **~~COMPLETE~~ IS NOT REQUIRED TO PROVIDE THE TRAINING;**

7 **(1) ~~DESCRIBED~~ DESCRIBED UNDER SUBSECTION (C)(1)(I) OF THIS**
 8 **SECTION IF THE INDIVIDUAL HAS:**

9 **~~(1)~~ (I) PROVIDED ALZHEIMER'S DISEASE OR DEMENTIA-RELATED**
 10 **DIRECT CARE OR SUPERVISORY SERVICES FOR AT LEAST 24 CONSECUTIVE MONTHS**
 11 **BEFORE BEGINNING EMPLOYMENT WITH THE RESIDENTIAL SERVICE AGENCY; AND**

12 **~~(2)~~ (II) RECEIVED FROM A RESIDENTIAL SERVICE AGENCY OR**
 13 **OTHER ENTITY A CERTIFICATE OF COMPLETION ISSUED UNDER SUBSECTION (E) OF**
 14 **THIS SECTION; OR**

15 **(2) DESCRIBED UNDER SUBSECTION (C)(1)(II) OF THIS SECTION IF**
 16 **THE INDIVIDUAL HAS COMPLETED THE TRAINING DESCRIBED UNDER SUBSECTION**
 17 **(C)(1)(II) OF THIS SECTION IN THE IMMEDIATELY PRECEDING 12 MONTHS.**

18 **(E) ~~AN INDIVIDUAL~~ A PERSON PROVIDING THE TRAINING DESCRIBED**
 19 **UNDER SUBSECTION (C) OF THIS SECTION SHALL ISSUE A CERTIFICATE OF**
 20 **COMPLETION TO EACH INDIVIDUAL WHO COMPLETES THE TRAINING.**

21 **(F) EACH RESIDENTIAL SERVICE AGENCY SHALL MAINTAIN RECORDS THAT**
 22 **INDICATE THE TYPE OF TRAINING RECEIVED BY EACH INDIVIDUAL WHO HAS**
 23 **RECEIVED A CERTIFICATE OF COMPLETION ISSUED UNDER SUBSECTION (E) OF THIS**
 24 **SECTION WHILE EMPLOYED BY THE RESIDENTIAL SERVICE AGENCY.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That an individual employed as
 26 part of a residential service agency's direct care or supervisory staff on October 1, 2021,
 27 who has not received training that is equivalent to the training described under §
 28 19-4A-03.1(c)(1) of the Health – General Article, as enacted by Section 1 of this Act, shall
 29 complete the training required under § 19-4A-03.1(c)(1) of the Health – General Article,
 30 as enacted by Section 1 of this Act, on or before August 15, 2022.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 32 October 1, 2021.