

SENATE BILL 275

J1, J2

(PRE-FILED)

11r0792
CF HB 141

By: **Senators Hester and Hayes**

Requested: September 30, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

A BILL ENTITLED

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 providing that certain training may be provided by a certain supervisory staff
7 member; prohibiting a residential service agency from requiring certain individuals
8 to complete certain training; requiring an individual who provides certain training
9 to issue a certification of completion to each individual who completes the training;
10 requiring each residential service agency to maintain certain records; requiring
11 certain individuals who have not received certain training to complete certain
12 training on or before a certain date; defining a certain term; providing for the
13 application of this Act; and generally relating to residential service agencies.

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

19 BY adding to
20 Article – Health – General
21 Section 19–4A–03.1
22 Annotated Code of Maryland
23 (2019 Replacement Volume and 2020 Supplement)

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

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 19-4A-01.

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

3 (e) (1) "Residential service agency" means any person that is engaged in a
4 nongovernmental business of employing or contracting with individuals to provide home
5 health care for compensation to an unrelated sick or disabled individual in the residence of
6 that individual.

7 (2) "Residential service agency" includes any agency that employs or
8 contracts with individuals directly for hire as home health care providers.

9 (3) "Residential service agency" does not include:

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

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

14 (iii) A home-based hospice care program that is licensed under the
15 provisions of Subtitle 9 of this title;

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

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

20 (vi) Personal care providers under the Medical Assistance Personal
21 Care Program;

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

24 (viii) A nursing referral service agency that is licensed under Subtitle
25 4B of this title;

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

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

30 **19-4A-03.1.**

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

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

5 (C) (1) BEGINNING JULY 1, 2022, EACH RESIDENTIAL SERVICE AGENCY
6 SHALL ENSURE THAT:

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

14 1. AN OVERVIEW OF ALZHEIMER'S DISEASE AND
15 DEMENTIA;

16 2. PERSON-CENTERED CARE;

17 3. AN UNDERSTANDING OF THE ASSESSMENT AND CARE
18 PLANNING PROCESS;

19 4. ACTIVITIES OF DAILY LIVING; AND

20 5. ALZHEIMER'S DISEASE AND DEMENTIA-RELATED
21 BEHAVIORS AND COMMUNICATION; AND

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

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

30 (D) A RESIDENTIAL SERVICE AGENCY MAY NOT REQUIRE AN INDIVIDUAL TO
31 COMPLETE THE TRAINING DESCRIBED UNDER SUBSECTION (C)(1)(I) OF THIS
32 SECTION IF THE INDIVIDUAL HAS:

1 **(1) PROVIDED ALZHEIMER’S DISEASE OR DEMENTIA-RELATED**
2 **DIRECT CARE OR SUPERVISORY SERVICES FOR AT LEAST 24 CONSECUTIVE MONTHS**
3 **BEFORE BEGINNING EMPLOYMENT WITH THE RESIDENTIAL SERVICE AGENCY; AND**

4 **(2) RECEIVED A CERTIFICATE OF COMPLETION ISSUED UNDER**
5 **SUBSECTION (E) OF THIS SECTION.**

6 **(E) AN INDIVIDUAL PROVIDING THE TRAINING DESCRIBED UNDER**
7 **SUBSECTION (C) OF THIS SECTION SHALL ISSUE A CERTIFICATE OF COMPLETION TO**
8 **EACH INDIVIDUAL WHO COMPLETES THE TRAINING.**

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That an individual employed as
14 part of a residential service agency’s direct care or supervisory staff on October 1, 2021,
15 who has not received training that is equivalent to the training described under §
16 19-4A-03.1(c)(1) of the Health – General Article, as enacted by Section 1 of this Act, shall
17 complete the training required under § 19-4A-03.1(c)(1) of the Health – General Article,
18 as enacted by Section 1 of this Act, on or before August 15, 2022.

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