

Chapter 217

(House Bill 1284)

AN ACT concerning

Residential Service Agencies – Private Duty Nursing – On-Site Nurse Training Programs

FOR the purpose of requiring the Maryland Department of Health to adopt regulations that authorize a residential service agency to provide training to a licensed nurse after hire; authorizing a residential service agency that provides private duty nursing services to employ a licensed nurse who does not meet certain requirements under certain circumstances; requiring a residential service agency to provide training and a competency evaluation for certain nurses; and generally relating to residential service agencies.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–4A–03
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

BY adding to
Article – Health – General
Section 19–4A–03.2
Annotated Code of Maryland
(2023 Replacement Volume and 2025 Supplement)

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

Article – Health – General

19–4A–03.

(a) The Department shall adopt regulations that set standards for the care, treatment, health, safety, welfare, and comfort of individuals who receive home health care services through a residential service agency.

(b) The regulations shall provide for the licensing of residential service agencies.

(c) The regulations shall include provisions that:

(1) Provide for the establishment of residential service agencies;

(2) Establish qualifications for licensure;

(3) Set minimum standards for individuals who provide home health care services through a residential service agency; [and]

(4) Require the residential service agency to screen and verify the character references of all home health care providers that are employed by the residential service agency; AND

(5) AUTHORIZE A RESIDENTIAL SERVICE AGENCY TO PROVIDE TRAINING TO A LICENSED NURSE AFTER HIRE IN ACCORDANCE WITH § 19-4A-03.2 OF THIS SUBTITLE.

19-4A-03.2.

(A) A RESIDENTIAL SERVICE AGENCY THAT PROVIDES PRIVATE DUTY NURSING SERVICES MAY EMPLOY A LICENSED NURSE WHO DOES NOT MEET THE CLINICAL EXPERIENCE REQUIREMENTS ESTABLISHED BY THE DEPARTMENT IF THE RESIDENTIAL SERVICE AGENCY PROVIDES TRAINING AND A COMPETENCY EVALUATION IN ACCORDANCE WITH THIS SECTION.

(B) A RESIDENTIAL SERVICE AGENCY THAT SEEKS TO EMPLOY A NURSE DESCRIBED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) ESTABLISH AND IMPLEMENT A TRAINING PROGRAM DESIGNED TO ENSURE SAFE AND COMPETENT CARE BASED ON PATIENT NEEDS;

(2) ENSURE THE NURSE RECEIVES CLINICAL SUPERVISION BY A REGISTERED NURSE QUALIFIED IN PRIVATE DUTY NURSING SERVICES;

(3) ASSIGN THE NURSE TO A QUALIFIED PRECEPTOR OR CLINICAL SUPERVISOR UNTIL COMPETENCY IS DEMONSTRATED;

(4) DOCUMENT SATISFACTORY COMPLETION OF REQUIRED COMPETENCY STANDARDS IN THE NURSE'S PERSONNEL FILE; AND

(5) CONDUCT COMPETENCY EVALUATIONS OF THE NURSE:

(I) ANNUALLY; OR

(II) FOR DISCIPLINARY PURPOSES, ON A MORE FREQUENT SCHEDULE AS REQUIRED BY THE DEPARTMENT.

(C) A TRAINING PROGRAM AND COMPETENCY EVALUATION REQUIRED UNDER THIS SECTION ARE SUBJECT TO APPROVAL BY THE DEPARTMENT.

(D) THIS SECTION MAY NOT BE CONSTRUED TO AFFECT REQUIREMENTS RELATING TO OCCUPATIONAL LICENSURE, SCOPE OF PRACTICE, OR STANDARDS OF CARE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 28, 2026.