

# HOUSE BILL 382

J3, O2, O3  
HB 1162/10 – HGO

2lr1572  
CF SB 316

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By: **Delegates B. Robinson, Cane, Conaway, Glenn, Kaiser, McComas, Stukes,  
and Washington**

Introduced and read first time: February 1, 2012

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene – Health Care Facilities – Abuser**  
3 **Registry**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to establish  
5 a registry that includes certain information on certain employees of health care  
6 facilities who provide services to certain individuals and who were terminated  
7 for certain reasons; requiring the placement of a certain employee on the  
8 registry under certain circumstances; authorizing certain health care facilities  
9 to have access to the registry; prohibiting a health care facility from allowing an  
10 employee to access the registry except under certain circumstances; authorizing  
11 a person responsible for a certain individual to access the registry; requiring a  
12 health care facility to adopt a certain procedure; prohibiting a health care  
13 facility from hiring certain individuals; defining certain terms; and generally  
14 relating to a registry of terminated employees of health care facilities.

15 BY repealing and reenacting, without amendments,  
16 Article – Health – General  
17 Section 19–114(d)  
18 Annotated Code of Maryland  
19 (2009 Replacement Volume and 2011 Supplement)

20 BY adding to  
21 Article – Health – General  
22 Section 19–347.1 and 19–351(e) and (f)  
23 Annotated Code of Maryland  
24 (2009 Replacement Volume and 2011 Supplement)

25 BY repealing and reenacting, with amendments,  
26 Article – Health – General  
27 Section 19–351(a)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland  
2 (2009 Replacement Volume and 2011 Supplement)

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

5 **Article – Health – General**

6 19–114.

7 (d) (1) “Health care facility” means:

8 (i) A hospital, as defined in § 19–301 of this title;

9 (ii) A limited service hospital, as defined in § 19–301 of this  
10 title;

11 (iii) A related institution, as defined in § 19–301 of this title;

12 (iv) An ambulatory surgical facility;

13 (v) An inpatient facility that is organized primarily to help in  
14 the rehabilitation of disabled individuals, through an integrated program of medical  
15 and other services provided under competent professional supervision;

16 (vi) A home health agency, as defined in § 19–401 of this title;

17 (vii) A hospice, as defined in § 19–901 of this title;

18 (viii) A freestanding medical facility, as defined in § 19–3A–01 of  
19 this title; and

20 (ix) Any other health institution, service, or program for which  
21 this Part II of this subtitle requires a certificate of need.

22 (2) “Health care facility” does not include:

23 (i) A hospital or related institution that is operated, or is listed  
24 and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

25 (ii) For the purpose of providing an exemption from a certificate  
26 of need under § 19–120 of this subtitle, a facility to provide comprehensive care  
27 constructed by a provider of continuing care, as defined in § 10–401 of the Human  
28 Services Article, if:

29 1. Except as provided under § 19–123 of this subtitle,  
30 the facility is for the exclusive use of the provider’s subscribers who have executed

1 continuing care agreements and paid entrance fees that are at least equal to the  
2 lowest entrance fee charged for an independent living unit or an assisted living unit  
3 before entering the continuing care community, regardless of the level of care needed  
4 by the subscribers at the time of admission;

5                                   2.     The facility is located on the campus of the continuing  
6 care community; and

7                                   3.     The number of comprehensive care nursing beds in  
8 the community does not exceed:

9                                   A.     24 percent of the number of independent living units  
10 in a community having less than 300 independent living units; or

11                                  B.     20 percent of the number of independent living units  
12 in a community having 300 or more independent living units;

13                                  (iii)   Except for a facility to provide kidney transplant services or  
14 programs, a kidney disease treatment facility, as defined by rule or regulation of the  
15 United States Department of Health and Human Services;

16                                  (iv)   Except for kidney transplant services or programs, the  
17 kidney disease treatment stations and services provided by or on behalf of a hospital  
18 or related institution; or

19                                  (v)   The office of one or more individuals licensed to practice  
20 dentistry under Title 4 of the Health Occupations Article, for the purposes of  
21 practicing dentistry.

22 **19-347.1.**

23                   **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**  
24 **MEANINGS INDICATED.**

25                                   **(2) “APPROPRIATE AUTHORITY” INCLUDES CHILD PROTECTIVE**  
26 **SERVICES, THE OFFICE OF HEALTH CARE QUALITY, THE DEPARTMENT, AND A**  
27 **LAW ENFORCEMENT AGENCY.**

28                                   **(3) “HEALTH CARE FACILITY” HAS THE MEANING STATED IN**  
29 **§ 19-114 OF THIS TITLE.**

30                   **(B) THE SECRETARY SHALL ESTABLISH A REGISTRY THAT INCLUDES**  
31 **THE NAME AND SOCIAL SECURITY NUMBER OF ANY EMPLOYEE WHO HAS BEEN**  
32 **TERMINATED FOR ABUSING OR NEGLECTING ANY OF THE FOLLOWING**  
33 **INDIVIDUALS IN A HEALTH CARE FACILITY:**

- 1           **(1) A SENIOR CITIZEN;**
- 2           **(2) A DISABLED INDIVIDUAL;**
- 3           **(3) A DEVELOPMENTALLY DISABLED INDIVIDUAL;**
- 4           **(4) AN INDIVIDUAL RECEIVING CARE BY AN IN-HOME AIDE; OR**
- 5           **(5) ANY INDIVIDUAL INCAPABLE OF SELF-DEFENSE.**

6           **(C) THE EMPLOYEE SHALL BE PLACED IN THE REGISTRY IF:**

- 7           **(1) THE EMPLOYEE GRIEVANCE PROCEDURE ADOPTED BY THE**  
8 **HEALTH CARE FACILITY IN ACCORDANCE WITH § 19-351(E) OF THIS SUBTITLE**  
9 **HAS BEEN FOLLOWED;**
- 10           **(2) AN INVESTIGATION HAS BEEN COMPLETED BY BOTH THE**  
11 **HEALTH CARE FACILITY AND AN APPROPRIATE AUTHORITY;**
- 12           **(3) THE ABUSE HAS BEEN DEEMED TO HAVE OCCURRED;**
- 13           **(4) THE EMPLOYEE HAS BEEN TERMINATED; AND**
- 14           **(5) NO CHARGES HAVE BEEN FILED.**

15           **(D) (1) A HEALTH CARE FACILITY MAY ACCESS THE REGISTRY IF:**

16           **(I) THE LICENSING AUTHORITY HAS DETERMINED THAT**  
17 **THE HEALTH CARE FACILITY SHOULD HAVE ACCESS TO THE REGISTRY; AND**

18           **(II) THE HEALTH CARE FACILITY IS DETERMINING**  
19 **WHETHER AN INDIVIDUAL SEEKING EMPLOYMENT IS LISTED IN THE REGISTRY.**

20           **(2) THE HEALTH CARE FACILITY MAY NOT ALLOW AN EMPLOYEE**  
21 **TO ACCESS THE REGISTRY UNLESS THE EMPLOYEE HAS BEEN GRANTED ACCESS**  
22 **TO CONFIDENTIAL RECORDS.**

23           **(E) A PERSON RESPONSIBLE FOR AN INDIVIDUAL WHO IS RECEIVING**  
24 **CARE BY AN IN-HOME AIDE MAY ACCESS THE REGISTRY.**

1           (a)     Except as provided in subsections (b) [and], (d), **AND (F)** of this section,  
2 this subtitle does not affect the right of a hospital or related institution to employ **ANY**  
3 **INDIVIDUAL** or appoint staff.

4           **(E)     EACH HEALTH CARE FACILITY SHALL ADOPT AN EMPLOYEE**  
5 **GRIEVANCE PROCEDURE.**

6           **(F)     A HEALTH CARE FACILITY MAY NOT EMPLOY AN INDIVIDUAL WHO IS**  
7 **LISTED IN THE REGISTRY ESTABLISHED UNDER § 19-347.1 OF THIS SUBTITLE.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2012.