

# HOUSE BILL 1162

J3, O2, O3

0lr1452

---

By: **Delegates Robinson, Glenn, and Shewell**  
Introduced and read first time: February 17, 2010  
Assigned to: Health and Government Operations

---

## 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)

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)

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

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (2009 Replacement Volume)

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

4 **Article – Health – General**

5 19–114.

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

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

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

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

11 (iv) An ambulatory surgical facility;

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

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

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

17 (viii) Any other health institution, service, or program for which  
18 this Part II of this subtitle requires a certificate of need.

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

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

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

26 1. Except as provided under § 19–123 of this subtitle,  
27 the facility is for the exclusive use of the provider’s subscribers who have executed  
28 continuing care agreements and paid entrance fees that are at least equal to the  
29 lowest entrance fee charged for an independent living unit or an assisted living unit  
30 before entering the continuing care community, regardless of the level of care needed  
31 by the subscribers at the time of admission;



1           **(4) AN INDIVIDUAL RECEIVING CARE BY AN IN-HOME AIDE; OR**

2           **(5) ANY INDIVIDUAL INCAPABLE OF SELF-DEFENSE.**

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

4               **(1) THE EMPLOYEE GRIEVANCE PROCEDURE ADOPTED BY THE**  
5 **HEALTH CARE FACILITY IN ACCORDANCE WITH § 19-351(E) OF THIS SUBTITLE**  
6 **HAS BEEN FOLLOWED;**

7               **(2) AN INVESTIGATION HAS BEEN COMPLETED BY BOTH THE**  
8 **HEALTH CARE FACILITY AND AN APPROPRIATE AUTHORITY;**

9               **(3) THE ABUSE HAS BEEN DEEMED TO HAVE OCCURRED;**

10              **(4) THE EMPLOYEE HAS BEEN TERMINATED; AND**

11              **(5) NO CHARGES HAVE BEEN FILED.**

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

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

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

17               **(2) THE HEALTH CARE FACILITY MAY NOT ALLOW AN EMPLOYEE**  
18 **TO ACCESS THE REGISTRY UNLESS THE EMPLOYEE HAS BEEN GRANTED ACCESS**  
19 **TO CONFIDENTIAL RECORDS.**

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

22 19-351.

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

26           **(E) EACH HEALTH CARE FACILITY SHALL ADOPT AN EMPLOYEE**  
27 **GRIEVANCE PROCEDURE.**

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

3           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2010.