

HOUSE BILL 967

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9lr2869

By: **Delegates Sample–Hughes, Barron, Fennell, Holmes, Mautz, Mosby, Patterson, and Proctor**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of requiring certain regulations adopted by the Maryland Department of
5 Health regarding residential service agencies to include the development and use of
6 a uniform skills assessment form for certain individuals and a requirement that a
7 residential service agency ensure that certain individuals receive certain training;
8 and generally relating to residential service agencies.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 19–4A–01(a) and (e)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2018 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Health – General
16 Section 19–4A–03
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2018 Supplement)

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

21 **Article – Health – General**

22 19–4A–01.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

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

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

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

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

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

(x) Residential rehabilitation services providers approved under regulations adopted by the State Mental Health Authority.

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, **INCLUDING THE DEVELOPMENT AND USE OF A UNIFORM SKILLS ASSESSMENT FORM**; and

(4) Require the residential service agency to:

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

(II) **ENSURE THAT INDIVIDUALS WHO ARE REFERRED BY THE RESIDENTIAL SERVICE AGENCY ARE TRAINED TO PROVIDE THE CARE REQUIRED BY THE CLIENTS OF THE RESIDENTIAL SERVICE AGENCY BY, AT A MINIMUM, PROVIDING:**

1. **INSTRUCTION AND SUPERVISED PRACTICE IN RELEVANT PERSONAL CARE SERVICES OF THE SICK OR DISABLED AT HOME;**

2. **TRAINING IN THE IDENTIFICATION OF SITUATIONS THAT REQUIRE REFERRAL TO A REGISTERED NURSE, INCLUDING SIGNIFICANT CHANGES IN A CLIENT'S CONDITION;**

3. **TRAINING IN RECORD KEEPING;**

4. **TRAINING IN ETHICAL BEHAVIOR AND CONFIDENTIALITY OF INFORMATION;**

5. **TRAINING IN CPR;**

6. **TRAINING IN STANDARD PRECAUTIONS FOR INFECTION CONTROL;**

7. **TRAINING IN PREVENTION OF ABUSE AND NEGLECT;**
AND

8. **TRAINING REGARDING DEMENTIA, FOR 6 HOURS AND IN PERSON.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2019.