

SENATE BILL 897

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0lr3617
CF HB 1168

By: **Senator Hester**

Introduced and read first time: February 3, 2020

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 to ensure that certain
5 individuals receive certain training relating to dementia; requiring each residential
6 service agency to ensure that individuals providing certain training have certain
7 experience and have completed certain training; prohibiting a residential service
8 agency from requiring certain individuals to complete certain training; requiring an
9 individual who provides certain training to issue a certification of completion to each
10 individual who completes the training; requiring the Maryland Department of
11 Health to provide a certain list of training programs to each residential service
12 agency; requiring certain individuals who have not received certain training to
13 complete certain training on or before a certain date; and generally relating to
14 residential service agencies.

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

20 BY adding to
21 Article – Health – General
22 Section 19–4A–03.1
23 Annotated Code of Maryland
24 (2019 Replacement Volume)

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

27 **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.

(A) IN THIS SECTION, "SUPERVISORY STAFF" MEANS AN INDIVIDUAL WHO SUPERVISES DIRECT CARE STAFF.

(B) EACH RESIDENTIAL SERVICE AGENCY SHALL ENSURE THAT:

(1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, WITHIN 45 DAYS AFTER AN INDIVIDUAL'S START OF EMPLOYMENT AS PART OF THE RESIDENTIAL SERVICE AGENCY'S DIRECT CARE OR SUPERVISORY STAFF, THE INDIVIDUAL IS TRAINED TO PROVIDE THE CARE REQUIRED BY THE CLIENTS OF THE RESIDENTIAL SERVICE AGENCY BY, AT A MINIMUM, PROVIDING:

(I) FOR DIRECT CARE STAFF, 6 HOURS OF ONLINE OR IN-PERSON TRAINING REGARDING DEMENTIA, INCLUDING TRAINING REGARDING:

1. ALZHEIMER'S DISEASE AND DEMENTIA;
2. PERSON-CENTERED CARE;
3. ASSESSMENT AND CARE PLANNING;
4. ACTIVITIES OF DAILY LIVING; AND
5. DEMENTIA-RELATED BEHAVIORS AND COMMUNICATION;

(II) FOR SUPERVISORY STAFF, 6 HOURS OF ONLINE OR IN-PERSON TRAINING REGARDING DEMENTIA, INCLUDING TRAINING REGARDING:

1. MEDICAL MANAGEMENT, INFORMATION, EDUCATION, AND SUPPORT;
2. STAFFING;
3. SUPPORTIVE AND THERAPEUTIC ENVIRONMENTS;
4. TRANSITIONS; AND
5. COORDINATION OF SERVICES; AND

(2) EACH MEMBER OF THE RESIDENTIAL SERVICE AGENCY'S DIRECT CARE OR SUPERVISORY STAFF RECEIVES 4 HOURS OF ONLINE OR IN-PERSON CONTINUING EDUCATION TRAINING REGARDING DEMENTIA EACH CALENDAR YEAR; AND

1 **(3) THE INDIVIDUAL PROVIDING THE TRAINING REQUIRED UNDER**
2 **ITEM (1) OR (2) OF THIS SUBSECTION HAS:**

3 **(I) AT LEAST 2 YEARS OF WORK EXPERIENCE RELATED TO**
4 **ALZHEIMER'S DISEASE OR OTHER DEMENTIA, HEALTH CARE, GERONTOLOGY, OR A**
5 **RELATED FIELD; AND**

6 **(II) COMPLETED AT LEAST THE MINIMUM TRAINING REQUIRED**
7 **UNDER ITEM (1) OF THIS SUBSECTION.**

8 **(C) A RESIDENTIAL SERVICE AGENCY MAY NOT REQUIRE AN INDIVIDUAL TO**
9 **COMPLETE THE TRAINING DESCRIBED UNDER SUBSECTION (B)(1) OR (2) OF THIS**
10 **SECTION IF THE INDIVIDUAL HAS PROVIDED DEMENTIA-RELATED DIRECT CARE OR**
11 **SUPERVISORY SERVICES FOR AT LEAST 24 CONSECUTIVE MONTHS BEFORE**
12 **BEGINNING EMPLOYMENT WITH THE RESIDENTIAL SERVICE AGENCY.**

13 **(D) AN INDIVIDUAL PROVIDING THE TRAINING DESCRIBED UNDER**
14 **SUBSECTION (B) OF THIS SECTION SHALL ISSUE A CERTIFICATE OF COMPLETION TO**
15 **EACH INDIVIDUAL WHO COMPLETES THE TRAINING.**

16 **(E) THE DEPARTMENT SHALL PROVIDE TO EACH RESIDENTIAL SERVICE**
17 **AGENCY A LIST OF TRAINING PROGRAMS THAT PROVIDE TRAINING DESCRIBED**
18 **UNDER SUBSECTION (B) OF THIS SECTION TO ENSURE THAT THE TRAINING**
19 **REFLECTS EVIDENCE-BASED PRACTICE IN THE CARE AND TREATMENT OF**
20 **INDIVIDUALS EXPERIENCING ALZHEIMER'S DISEASE OR RELATED DEMENTIA.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That an individual employed as
22 part of a residential service agency's direct care of supervisory staff on October 1, 2020, who
23 has not received training that is equivalent to the training described under §
24 19-4A-03.1(b)(1) of the Health – General Article, as enacted by Section 1 of this Act, shall
25 complete the training required under § 19-4A-03.1(b)(1) of the Health – General Article,
26 as enacted by Section 1 of this Act, on or before December 31, 2020.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2020.