

Chapter 487

(House Bill 141)

AN ACT concerning

Maryland Department of Health – Residential Service Agencies – Training Requirements

FOR the purpose of requiring each residential service agency, beginning on a certain date, to ensure that certain individuals receive certain training relating to dementia, subject to certain exceptions; providing that certain training may be provided by a certain supervisory staff member; ~~prohibiting providing that~~ a residential service agency ~~from requiring~~ is not required to provide certain individuals ~~to complete~~ certain training under certain circumstances; requiring ~~an individual~~ a person who provides certain training to issue a certification of completion to each individual who completes the training; requiring each residential service agency to maintain certain records; requiring certain individuals who have not received certain training to complete certain training on or before a certain date; defining a certain term; providing for the application of this Act; and generally relating to residential service agencies.

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19–4A–01(a) and (e)

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

BY adding to

Article – Health – General

Section 19–4A–03.1

Annotated Code of Maryland

(2019 Replacement Volume and 2020 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–01.

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

(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-03.1.

(A) IN THIS SECTION, “SUPERVISORY STAFF” MEANS AN INDIVIDUAL WHO SUPERVISES DIRECT CARE STAFF IN THE INDIVIDUAL’S CLINICAL ROLE.

(B) THIS SECTION DOES NOT APPLY TO A RESIDENTIAL SERVICE AGENCY THAT ONLY PROVIDES DURABLE MEDICAL EQUIPMENT.

(c) (1) ~~BEGINNING~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, BEGINNING JULY 1, 2022, EACH RESIDENTIAL SERVICE AGENCY SHALL ENSURE THAT:

(i) ~~EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WITHIN~~ 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 3 HOURS OF ONLINE OR IN-PERSON TRAINING REGARDING DEMENTIA, INCLUDING TRAINING REGARDING:

1. AN OVERVIEW OF ALZHEIMER’S DISEASE AND DEMENTIA;
2. PERSON-CENTERED CARE;
3. AN UNDERSTANDING OF THE ASSESSMENT AND CARE PLANNING PROCESS;
4. ACTIVITIES OF DAILY LIVING; AND
5. ALZHEIMER’S DISEASE AND DEMENTIA-RELATED BEHAVIORS AND COMMUNICATION; AND

(ii) EACH MEMBER OF THE RESIDENTIAL SERVICE AGENCY’S DIRECT CARE OR SUPERVISORY STAFF RECEIVES 2 HOURS OF ONLINE OR IN-PERSON CONTINUING EDUCATION TRAINING REGARDING ALZHEIMER’S DISEASE AND DEMENTIA EACH CALENDAR YEAR.

(2) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE PROVIDED BY A SUPERVISORY STAFF MEMBER WHO IS RESPONSIBLE FOR DEVELOPING AN INDIVIDUAL’S PLAN OF CARE AND ASSIGNING APPROPRIATE PERSONNEL.

(D) ~~A RESIDENTIAL SERVICE AGENCY MAY NOT REQUIRE AN INDIVIDUAL TO COMPLETE~~ IS NOT REQUIRED TO PROVIDE THE TRAINING:

(1) ~~DESCRIBED~~ DESCRIBED UNDER SUBSECTION (C)(1)(I) OF THIS SECTION IF THE INDIVIDUAL HAS:

- ~~(1)~~ (i) PROVIDED ALZHEIMER’S DISEASE OR DEMENTIA-RELATED DIRECT CARE OR SUPERVISORY SERVICES FOR AT LEAST 24 CONSECUTIVE MONTHS BEFORE BEGINNING EMPLOYMENT WITH THE RESIDENTIAL SERVICE AGENCY; AND

~~(2)~~ **(II) RECEIVED FROM A RESIDENTIAL SERVICE AGENCY OR OTHER ENTITY A CERTIFICATE OF COMPLETION ISSUED UNDER SUBSECTION (E) OF THIS SECTION; OR**

(2) DESCRIBED UNDER SUBSECTION (C)(1)(II) OF THIS SECTION IF THE INDIVIDUAL HAS COMPLETED THE TRAINING DESCRIBED UNDER SUBSECTION (C)(1)(II) OF THIS SECTION IN THE IMMEDIATELY PRECEDING 12 MONTHS.

(E) ~~AN INDIVIDUAL~~ A PERSON PROVIDING THE TRAINING DESCRIBED UNDER SUBSECTION (C) OF THIS SECTION SHALL ISSUE A CERTIFICATE OF COMPLETION TO EACH INDIVIDUAL WHO COMPLETES THE TRAINING.

(F) EACH RESIDENTIAL SERVICE AGENCY SHALL MAINTAIN RECORDS THAT INDICATE THE TYPE OF TRAINING RECEIVED BY EACH INDIVIDUAL WHO HAS RECEIVED A CERTIFICATE OF COMPLETION ISSUED UNDER SUBSECTION (E) OF THIS SECTION WHILE EMPLOYED BY THE RESIDENTIAL SERVICE AGENCY.

SECTION 2. AND BE IT FURTHER ENACTED, That an individual employed as part of a residential service agency's direct care or supervisory staff on October 1, 2021, who has not received training that is equivalent to the training described under § 19-4A-03.1(c)(1) of the Health – General Article, as enacted by Section 1 of this Act, shall complete the training required under § 19-4A-03.1(c)(1) of the Health – General Article, as enacted by Section 1 of this Act, on or before August 15, 2022.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.