

SENATE BILL 47

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(PRE-FILED)

By: **Senator Corderman**

Requested: October 17, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Facilities – Nursing Homes and Assisted Living Programs – Essential**
3 **Caregivers**

4 FOR the purpose of requiring each nursing home and assisted living program to establish
5 certain policies and procedures authorizing certain visitation from an essential
6 caregiver and relating to the designation and use of an essential caregiver;
7 authorizing nursing homes and assisted living programs to consult with a certain
8 local health officer when establishing certain policies and procedures; requiring each
9 nursing home and assisted living program to consult with certain administrators and
10 staff to make a certain determination; requiring each nursing home and assisted
11 living program to consult with certain patients or residents and essential caregivers
12 to identify a certain schedule; requiring each nursing home and assisted living
13 program to ensure that certain scheduling considers the number of essential
14 caregivers in the nursing home or assisted living program at any given time and
15 designates a certain point of entry; requiring each nursing home and assisted living
16 program to require essential caregivers to abide by certain rules adopted by the
17 nursing home or assisted living program; requiring an essential caregiver to inform
18 the staff of the nursing home or assisted living program if the essential caregiver
19 develops certain symptoms; authorizing an essential caregiver to transport a certain
20 patient or resident for a certain purpose; prohibiting an essential caregiver from
21 visiting a patient or resident if the patient or resident is quarantined; authorizing
22 nursing homes and assisted living programs to restrict or revoke essential caregiver
23 status under certain circumstances; defining certain terms; and generally relating
24 to essential caregivers in nursing homes and assisted living programs.

25 BY repealing and reenacting, without amendments,
26 Article – Health – General
27 Section 19–1401(a) and (e) and 19–1801
28 Annotated Code of Maryland
29 (2019 Replacement Volume and 2020 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Health – General
3 Section 19–1418
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2020 Supplement)

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

8 **Article – Health – General**

9 19–1401.

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

11 (e) “Nursing home” means a facility (other than a facility offering domiciliary or
12 personal care as defined in Subtitle 3 of this title) which offers nonacute inpatient care to
13 patients suffering from a disease, chronic illness, condition, disability of advanced age, or
14 terminal disease requiring maximal nursing care without continuous hospital services and
15 who require medical services and nursing services rendered by or under the supervision of
16 a licensed nurse together with convalescent, restorative, or rehabilitative services.

17 **19–1418.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

20 **(2) “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN §**
21 **19–1801 OF THIS TITLE.**

22 **(3) “ESSENTIAL CAREGIVER” MEANS AN INDIVIDUAL DESIGNATED BY**
23 **A PATIENT OR RESIDENT OF A NURSING HOME OR ASSISTED LIVING PROGRAM TO**
24 **ADVOCATE OR PROVIDE ADDITIONAL PERSONALIZED CARE FOR THE PATIENT.**

25 **(B) (1) EACH NURSING HOME AND ASSISTED LIVING PROGRAM SHALL**
26 **ESTABLISH POLICIES AND PROCEDURES AUTHORIZING INDOOR VISITATION FROM**
27 **AN ESSENTIAL CAREGIVER.**

28 **(2) A NURSING HOME OR ASSISTED LIVING PROGRAM MAY CONSULT**
29 **WITH THE LOCAL HEALTH OFFICER FOR THE JURISDICTION IN WHICH THE FACILITY**
30 **IS LOCATED WHEN ESTABLISHING POLICIES AND PROCEDURES UNDER PARAGRAPH**
31 **(1) OF THIS SUBSECTION.**

32 **(C) EACH NURSING HOME AND ASSISTED LIVING PROGRAM SHALL:**

1 **(1) ESTABLISH POLICIES AND PROCEDURES FOR HOW TO DESIGNATE**
2 **AND USE ONE OR MORE ESSENTIAL CAREGIVERS FOR EACH PATIENT OR RESIDENT;**

3 **(2) CONSULT WITH THE ADMINISTRATOR OF THE NURSING HOME OR**
4 **ASSISTED LIVING PROGRAM OR OTHER STAFF AS APPROPRIATE TO DETERMINE IF**
5 **AN INDIVIDUAL MEETS THE CRITERIA FOR AN ESSENTIAL CAREGIVER;**

6 **(3) CONSULT WITH THE RESIDENT OR PATIENT AND THE ESSENTIAL**
7 **CAREGIVER TO IDENTIFY A DAILY SCHEDULE;**

8 **(4) ENSURE THAT THE SCHEDULING OF ESSENTIAL CAREGIVER**
9 **VISITS CONSIDERS THE NUMBER OF ESSENTIAL CAREGIVERS IN THE NURSING HOME**
10 **OR ASSISTED LIVING PROGRAM AT ANY GIVEN TIME;**

11 **(5) DESIGNATE A POINT OF ENTRY WHERE AN ESSENTIAL CAREGIVER**
12 **SIGNS IN TO THE NURSING HOME OR ASSISTED LIVING PROGRAM AND UNDERGOES**
13 **REQUIRED SCREENING; AND**

14 **(6) REQUIRE AN ESSENTIAL CAREGIVER TO ABIDE BY RULES AND**
15 **POLICIES ADOPTED BY THE NURSING HOME OR ASSISTED LIVING PROGRAM TO**
16 **ENSURE PATIENT AND RESIDENT SAFETY.**

17 **(D) AN ESSENTIAL CAREGIVER SHALL, IN A TIMELY MANNER, INFORM THE**
18 **STAFF OF THE NURSING HOME OR ASSISTED LIVING PROGRAM IF THE ESSENTIAL**
19 **CAREGIVER DEVELOPS ANY SYMPTOM OF A POTENTIALLY TRANSMISSIBLE ILLNESS.**

20 **(E) AN ESSENTIAL CAREGIVER MAY TRANSPORT THE PATIENT OR RESIDENT**
21 **OUTSIDE THE NURSING HOME OR ASSISTED LIVING PROGRAM FOR ESSENTIAL**
22 **MEDICAL APPOINTMENTS.**

23 **(F) IF A PATIENT OR RESIDENT IS QUARANTINED, AN ESSENTIAL**
24 **CAREGIVER MAY NOT VISIT THE PATIENT OR RESIDENT UNTIL THE QUARANTINE**
25 **ENDS.**

26 **(G) A NURSING HOME OR ASSISTED LIVING PROGRAM MAY RESTRICT OR**
27 **REVOKE ESSENTIAL CAREGIVER STATUS IF THE ESSENTIAL CAREGIVER DOES NOT**
28 **FOLLOW THE RULES AND POLICIES OF THE NURSING HOME OR ASSISTED LIVING**
29 **PROGRAM OR THE DIRECTION OF STAFF.**

30 19-1801.

31 In this subtitle:

1 (1) “Assisted living program” means a residential or facility-based
2 program that provides housing and supportive services, supervision, personalized
3 assistance, health-related services, or a combination thereof that meets the needs of
4 individuals who are unable to perform or who need assistance in performing the activities
5 of daily living or instrumental activities of daily living in a way that promotes optimum
6 dignity and independence for the individuals.

7 (2) “Assisted living program” does not include:

8 (i) A nursing home, as defined under § 19–1401 of this title;

9 (ii) A State facility, as defined under § 10–101 of this article;

10 (iii) A program licensed by the Department under Title 7 or Title 10
11 of this article;

12 (iv) A hospice care program regulated by the Department under
13 Subtitle 9 of this title;

14 (v) Services provided by family members;

15 (vi) Services provided in an individual’s own home; or

16 (vii) A program certified by the Department of Human Services under
17 Title 6, Subtitle 5, Part II of the Human Services Article as a certified Adult Residential
18 Environment Program.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2021.