

HOUSE BILL 216

J3
HB 962/21 – HGO

2lr1099

By: **Delegates Parrott and Thiam**

Introduced and read first time: January 13, 2022

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Washington County – Nursing Homes and Assisted Living Programs – Essential**
3 **Caregivers**

4 FOR the purpose of requiring each nursing home and assisted living program in
5 Washington County to establish policies and procedures authorizing indoor
6 visitation from an essential caregiver; establishing the duties and authority of
7 essential caregivers; authorizing the nursing homes and assisted living programs to
8 restrict or revoke essential caregiver status under certain circumstances; and
9 generally relating to essential caregivers in nursing homes and assisted living
10 programs in Washington County.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 19–1401(a) and (e) and 19–1801
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2021 Supplement)

16 BY adding to
17 Article – Health – General
18 Section 19–1416.1
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2021 Supplement)

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

23 **Article – Health – General**

24 19–1401.

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

19-1416.1.

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

(2) "ASSISTED LIVING PROGRAM" HAS THE MEANING STATED IN § 19-1801 OF THIS TITLE.

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

(B) THIS SECTION APPLIES ONLY IN WASHINGTON COUNTY.

(C) (1) EACH NURSING HOME AND ASSISTED LIVING PROGRAM SHALL ESTABLISH POLICIES AND PROCEDURES AUTHORIZING INDOOR VISITATION FROM AN ESSENTIAL CAREGIVER.

(2) A NURSING HOME OR ASSISTED LIVING PROGRAM MAY CONSULT WITH THE LOCAL HEALTH OFFICER WHEN ESTABLISHING POLICIES AND PROCEDURES UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) EACH NURSING HOME AND ASSISTED LIVING PROGRAM SHALL:

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

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

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

(4) ENSURE THAT THE SCHEDULING OF ESSENTIAL CAREGIVER VISITS CONSIDERS THE NUMBER OF ESSENTIAL CAREGIVERS IN THE NURSING HOME

OR ASSISTED LIVING PROGRAM AT ANY GIVEN TIME;

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

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

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

(F) AN ESSENTIAL CAREGIVER MAY TRANSPORT THE PATIENT OR RESIDENT OUTSIDE THE NURSING HOME OR ASSISTED LIVING PROGRAM FOR ESSENTIAL MEDICAL APPOINTMENTS.

(G) IF A PATIENT OR RESIDENT IS QUARANTINED, AN ESSENTIAL CAREGIVER MAY NOT VISIT THE PATIENT OR RESIDENT UNTIL THE QUARANTINE ENDS.

(H) A NURSING HOME OR ASSISTED LIVING PROGRAM MAY RESTRICT OR REVOKE ESSENTIAL CAREGIVER STATUS IF THE ESSENTIAL CAREGIVER DOES NOT FOLLOW THE RULES AND POLICIES OF THE NURSING HOME OR ASSISTED LIVING PROGRAM OR THE DIRECTION OF STAFF.

19–1801.

In this subtitle:

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

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

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

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

(iii) A program licensed by the Department under Title 7 or Title 10

1 of this article;

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

4 (v) Services provided by family members;

5 (vi) Services provided in an individual's own home; or

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

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2022.