

Department of Legislative Services
 Maryland General Assembly
 2008 Session

FISCAL AND POLICY NOTE

House Bill 542 (Delegate Robinson, *et al.*)
 Health and Government Operations

Database for Terminated Health Occupation Licensees and Employees Who Provide Services to Individuals with Developmental Disabilities

This bill requires the establishment of a database with information on employees of licensed developmental disabilities service providers who have been terminated for client abuse or neglect, stealing from a client or licensee, chronic absenteeism, or poor work performance. The database may be accessed by other licensed developmental disabilities service providers and employers to determine if an individual seeking employment has been terminated for any reason listed above.

Fiscal Summary

State Effect: General fund expenditures could increase by at least \$85,100 for contractual services in FY 2009 which reflects the bill’s October 1, 2008 effective date. Future years reflect inflation. No effect on revenues.

(in dollars)	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	85,100	115,700	118,000	120,400	122,800
Net Effect	(\$85,100)	(\$115,700)	(\$118,000)	(\$120,400)	(\$122,800)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: The bill also requires the establishment of a database with information on all licensed health care practitioners who have been terminated for patient abuse or neglect, stealing from a patient or employer, chronic absenteeism, or poor work performance. The database may be accessed by employers to determine if a licensee seeking employment has been terminated for any reason listed above. The databases are to be established in conjunction with each other.

Current Law: In addition to any other license required by law, a person has to be certified by the Developmental Disabilities Administration before he or she can provide services to an individual with a developmental disability or recipient of individual support services. DDA can deny a license to any applicant or suspend or revoke a license if the applicant or licensee fails to comply with the applicable laws, rules, or regulations of the State.

Each health occupations board has defined in statute general procedures for hearings and review processes. Grounds on which a license can be denied, revoked, or suspended are relatively uniform from board to board.

Background: Community agencies that are licensed by DDA and State Residential Centers that are operated by DDA are required to identify, report, investigate, review, correct, and monitor situations and events that threaten the health, safety or well-being of individuals receiving services.

The purpose of the policy is to inform community agency, SRC, DDA, and Office of Health Care Quality staff of problems, to insure that corrective measures are taken and to minimize the potential for recurrence of similar problems. The policy applies to all community agencies licensed by DDA and SRCs. It describes the types of incidents that the community agency/SRC is required to review internally, as well as those that have to be reported to external entities, such as DDA's regional office, OHCQ, etc. It includes specific timeframes for reporting and investigating certain incidents. This policy also briefly outlines the respective roles of OHCQ and DDA with regard to incident investigations.

State Fiscal Effect: General fund expenditures could increase by at least \$85,058 in fiscal 2009 which reflects the bill's October 1, 2008 effective date.

DDA advises that it receives about 75 to 100 provider self-reported incidents per week. A full-time nurse logs all complaints into a statistical sheet, where they are subsequently reviewed by an incident screening committee. However, the database outlined in the bill

would require a more comprehensive and complicated system in which licensees and employers could access information on potential employees when appropriate. Therefore, Legislative Services advises that DDA would have to employ contractual services for the establishment and maintenance of the new database system which would total \$42,529 in fiscal 2009. Future years reflect inflation.

In addition, general fund expenditures could increase by \$42,529 in fiscal 2009 to employ contractual services for the establishment and maintenance of the new database system for all the health occupations boards. However, expenditures could exceed this amount due to the work related to coordinating all of the boards that would participate in database functions. In addition, it is not clear whether all boards currently collect the data required by the bill. Therefore, costs related to data collection could further increase the expenditure estimate.

Additional Comments: It is unclear to what extent, if any, the health occupations boards database and DDA's database would be established "in conjunction" with each other as required by the bill. DHMH did not indicate that it had any plans to coordinate the two databases, and it is unclear how this would be accomplished.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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