



DHMH

Maryland Department of Health and Mental Hygiene

Office of Health Care Quality

Spring Grove Center • Bland Bryant Building

55 Wade Avenue • Catonsville, Maryland 21228-4663

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

TO: Administrators of Assisted Living Facilities

FROM: Nancy Grimm, RN, JD – Director *NBG*

DATE: August 4, 2010

RE: **COMAR 10.07.14.19 – Other Staff Qualifications**

Recently the Office of Health Care Quality has received questions related to the hiring of staff, under the age of 18 years, to work in the assisted living facilities. COMAR 10.07.14.19A, B (1) states:

“The licensee shall employ or contract with sufficient numbers of other staff to ensure that the assisted living program is capable of meeting the requirements of this chapter, and all other applicable laws and regulations, in a manner consistent with the philosophy of assisted living and in compliance with generally accepted standards of care for the specific conditions of the residents the assisted living program intends to serve.

“At a minimum, all other staff shall: (1) Be 18 years old or older unless licensed as a nurse or the age requirement is waived by the Department for good cause shown;”

The intent of this regulation is to ensure that all staff working with the residents are properly trained and competent to perform the duties required of their employment. Therefore the requirement is that individuals hired to provide direct resident care fulfill the age, licensing, certification and training requirements as outlined in this regulation, unless a waiver is requested by the facility and granted by OHCQ.

In fulfilling the need for other staff to perform duties **NOT** related to direct resident care, facilities may elect to hire summer help or volunteers, under the age of 18 to complete such tasks as assistance with meal preparation, laundry, cleaning, lawnwork, maintenance, etc... The facility has the responsibility to ensure that these individuals fully understand their job duties and limitations as they relate to interaction and direct care of the residents.

If facilities have questions or require more information please contact William Dorrill, Deputy Director, State Programs at 410-402-8048.