

Subsection (c)(2) of this section is new language that combines, without substantive change, former Article 43, § 878(d)(2), as it related to policies, and § 881(b).

Subsection (c)(4) of this section is new language that combines, without substantive change, former Article 43, §§ 878(d)(3) and 881(e).

Subsection (c)(5) of this section is new language that combines former Article 43, § 878(d)(2), as it related to supervision of services, and the narrower provisions of § 881(d). Former Article 43, § 878(d)(2) referred to supervision by a physician, registered nurse, or another health professional, while former Article 43, § 881(d) only referred to a physician or registered nurse. Subsection (c)(5) of this section is revised to allow supervision by an appropriate health professional.

In the introductory clause of subsection (c) of this section, the phrase "may include" is substituted for the phrase "shall include, when appropriate" in former Article 43, § 881, since the word "appropriate" negates the mandate otherwise implicit in "shall".

Also in subsection (c) of this section, the former phrase "but are not limited to" is deleted as unnecessary in light of the definition of "includes"/"including".

In subsection (c)(5) of this section, the former reference to "an unlimited license to practice medicine, surgery and obstetrics" is deleted as unnecessary in light of the use of the defined term "physician".

Defined terms: "Department" § 1-101
"Home health agency" § 19-401
"Includes"/"including" § 1-101
"Physician" § 1-101

19-405. LICENSE REQUIRED.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE PERSON MAY OPERATE A HOME HEALTH AGENCY.

REVISOR'S NOTE: This section is standard language added to state a fundamental prerequisite implicit in the former Article 43 provisions that related to home health agencies.