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1999 Regular Session 9lr2615 CF HB 1153

By: Senator Astle

Introduced and read first time: March 5, 1999

Assigned to: Rules

A BILL ENTITLED

1	AN.	ACT	concerning
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- 2 Home Health Agencies Authority of Secretary of Health and Mental 3 Hygiene - Repeal of Termination Date
- 4 FOR the purpose of repealing a certain termination date concerning certain
- 5 regulatory authority of the Department of Health and Mental Hygiene
- 6 concerning home health agencies; and generally relating to the continuation of
- 7 certain regulatory authority concerning home health agencies.
- 8 BY repealing and reenacting, without amendments,
- 9 Article Health General
- 10 Section 19-404
- 11 Annotated Code of Maryland
- 12 (1996 Replacement Volume and 1998 Supplement)
- 13 BY repealing and reenacting, with amendments,
- 14 Chapter 432 of the Acts of the General Assembly of 1994
- 15 Section 3
- 16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 17 MARYLAND, That the Laws of Maryland read as follows:
- 18 Article Health General
- 19 19-404.
- 20 (a) The Department shall adopt rules and regulations that set standards for
- 21 the care, treatment, health, safety, welfare, and comfort of patients of home health
- 22 agencies.
- 23 (b) The rules and regulations shall provide for the licensing of home health
- 24 agencies and annual license renewal, and shall establish standards that require as a
- 25 minimum, that all home health agencies:

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	(1) record all reasonable under paragraph (2);		10 days of acceptance of a patient for skilled care, make and contact a physician to obtain the signed order required		
4 5	(2) a physician obtained		cept patients for skilled care do so only on the signed order of days after acceptance;		
6	(3)	Adopt p	rocedures for the administration of drugs and biologicals;		
7	(4)	Maintai	n clinical records on all patients accepted for skilled care;		
8	(5)	Establis	h patient care policies and personnel policies;		
9 10	(6) available on an emer		rvices available at least 8 hours a day, 5 days a week, and sis 24 hours a day, 7 days a week;		
11 12	(7) referral when stipula		ervice available to an individual in need within 24 hours of a physician's order;		
	(8) Have a designated supervisor of patient care who is a full-time employee of the agency and is available at all times during operating hours and additionally as needed; and				
	Have as the administrator of the agency a person who has at least 1 year of supervisory experience in hospital management, home health management, or 3 public health program management and who is:				
19		(i)	A licensed physician;		
20		(ii)	A registered nurse; or		
21 22	field.	(iii)	A college graduate with a bachelor's degree in a health-related		
23	(c) The rule	rules and regulations may include provisions that:			
24	(1)	Deal wi	th the establishment of home health agencies;		
25 26	(2) professional group th	Require nat includ	each home health agency to have its policies established by a es at least:		
27		(i)	1 physician;		
28		(ii)	1 registered nurse;		
29		(iii)	1 representative of another offered service; and		
30		(iv)	1 public member;		

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1 2	(4) treatment to be provid		keeping clinical records of each patient, including the plan of		
3	(5)	Govern	supervision of the services, as appropriate, by:		
4		(i)	A physician;		
5		(ii)	A registered nurse; or		
6 7	advanced training to s	(iii) upervise	Another health professional who is qualified sufficiently by the same kind of services in a hospital; and		
8 9	(6) utilization statistics.	Require	submission of an annual report which includes service		
10 11	(d) (1) Secretary shall be dee		health agency accredited by an organization approved by the neet State licensing regulations.		
12 13	(2) accreditation organiza	(i) ation to tl	The home health agency shall submit the report of the ne Secretary within 30 days of its receipt.		
14 15	for public inspection.	(ii)	All reports submitted under this paragraph shall be available		
16	(3)	The Sec	retary may:		
17 18	investigation;	(i)	Inspect the home health agency for the purpose of a complaint		
19 20	problem identified in	(ii) an accree	Inspect the home health agency to follow up on a serious ditation organization's report; and		
21 22	agencies in the State	(iii) to validat	Annually, conduct a survey of up to 5 percent of all home health e the findings of an accreditation organization's report.		
23 24	The provisions of this section do not waive the requirement for a home health agency to obtain a certificate of need.				
25 26	SECTION 2. AN read as follows:	D BE IT	FURTHER ENACTED, That the Laws of Maryland		
27			Chapter 432 of the Acts of 1994		
30	October 1, 1994. [It s September 30, 1999,	hall rema with no f	FURTHER ENACTED, That this Act shall take effect an effective for a period of 5 years and, at the end of auther action required by the General Assembly, this no further force and effect.]		
32 33	SECTION 3. AN October 1, 1999.	D BE IT	FURTHER ENACTED, That this Act shall take effect		