

SENATE BILL 698

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2000 Regular Session
(01r1243)

ENROLLED BILL
-- Finance/Environmental Matters --

Introduced by **Senators Teitelbaum, Hollinger, and Collins (Task Force on Quality of Care in Nursing Homes)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Nursing Homes - Quality of Care Oversight**

3 FOR the purpose of establishing an Oversight Committee on Quality of Care in
4 Nursing Homes; specifying the membership of the Oversight Committee;
5 specifying the duties of the Oversight Committee; requiring the Office of Health
6 Care Quality of the Department of Health and Mental Hygiene to report to the
7 Oversight Committee twice annually; requiring the Department's Deputy
8 Secretary of Health Care Financing to report to the Oversight Committee
9 annually; requiring the Oversight Committee to make certain recommendations
10 and to take into account and examine certain issues; requiring the Secretary of
11 the Department of Aging to chair the Oversight Committee; requiring the
12 Department of Aging to provide staff support for the Oversight Committee;
13 requiring the Oversight Committee to submit a certain report to the Governor
14 and General Assembly on or before a certain date; providing for the termination
15 of the Oversight Committee; and generally relating to the Oversight Committee
16 on Quality of Care in Nursing Homes.

1 BY adding to
 2 Article - Health - General
 3 Section 19-1410 to be under the amended subtitle "Subtitle 14. Nursing Homes"
 4 Annotated Code of Maryland
 5 (1996 Replacement Volume and 1999 Supplement)

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

8 **Article - Health - General**

9 Subtitle 14. Nursing Homes [- Civil Money Penalties].

10 19-1410.

11 (A) THERE IS AN OVERSIGHT COMMITTEE ON QUALITY OF CARE IN NURSING
 12 HOMES.

13 (B) THE OVERSIGHT COMMITTEE SHALL CONSIST OF THE FOLLOWING
 14 MEMBERS:

15 (1) TWO MEMBERS OF THE SENATE FINANCE COMMITTEE, APPOINTED
 16 BY THE PRESIDENT OF THE SENATE;

17 (2) TWO MEMBERS OF THE SENATE ECONOMIC AND ENVIRONMENTAL
 18 AFFAIRS COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

19 (3) FOUR MEMBERS OF THE HOUSE ENVIRONMENTAL MATTERS
 20 COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE;

21 (4) THE SECRETARY OF THE DEPARTMENT OF AGING;

22 (5) THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL
 23 HYGIENE, OR THE SECRETARY'S DESIGNEE; ~~AND~~

24 (6) THREE REPRESENTATIVES OF AREA AGENCIES ON AGING,
 25 APPOINTED BY THE SECRETARY OF AGING;

26 (7) ONE REPRESENTATIVE OF FROM THE HEALTH FACILITIES
 27 ASSOCIATION OF MARYLAND;

28 (8) ONE REPRESENTATIVE OF FROM THE MID-ATLANTIC NON-PROFIT
 29 HEALTH AND HOUSING ASSOCIATION;

30 (9) ONE REPRESENTATIVE OF THE HOSPICE NETWORK OF MARYLAND;

31 (10) ONE REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION;

32 (11) ONE REPRESENTATIVE OF THE SERVICE EMPLOYEES
 33 INTERNATIONAL UNION; AND

1 (12) TWO CONSUMER MEMBERS APPOINTED BY THE GOVERNOR.

2 (C) THE SECRETARY OF AGING SHALL CHAIR THE OVERSIGHT COMMITTEE.

3 (D) THE OVERSIGHT COMMITTEE SHALL MONITOR AND EVALUATE
4 IMPLEMENTATION OF THE RECOMMENDATIONS OF THE TASK FORCE ON QUALITY OF
5 CARE IN NURSING FACILITIES, CREATED PURSUANT TO CHAPTERS 382 AND 383 OF
6 THE ACTS OF THE GENERAL ASSEMBLY OF 1999 AND RELEVANT LEGISLATION
7 ENACTED SUBSEQUENT TO THE RECOMMENDATIONS OF THE TASK FORCE.

8 (E) THE OVERSIGHT COMMITTEE SHALL EVALUATE THE PROGRESS IN
9 IMPROVING NURSING HOME CARE QUALITY STATEWIDE, INCLUDING
10 CONSIDERATION OF:

11 (1) QUALITY OF CARE STANDARDS FOR NURSING HOMES;

12 (2) STAFFING PATTERNS AND STAFFING STANDARDS;

13 (3) POLICIES AND PROCEDURES FOR INSPECTING NURSING HOMES AND
14 RESPONDING TO QUALITY OF CARE COMPLAINTS;

15 (4) A COMPARISON OF MARYLAND STANDARDS, POLICIES, AND
16 PROCEDURES TO THOSE IN OTHER STATES;

17 (5) THE LABOR POOL AVAILABLE TO FILL NURSING AND NURSING AIDE
18 JOBS; AND

19 (6) STATE FUNDING MECHANISMS FOR NURSING HOMES, INCLUDING
20 THE MEDICAID NURSING HOME REIMBURSEMENT SYSTEM, AND REGULATION OF
21 NURSING HOMES.

22 ~~(E)~~ (F) (1) THE OFFICE OF HEALTH CARE QUALITY IN THE DEPARTMENT
23 OF HEALTH AND MENTAL HYGIENE SHALL SUBMIT A REPORT TO THE OVERSIGHT
24 COMMITTEE TWICE ANNUALLY ON THE IMPLEMENTATION OF THE TASK FORCE
25 RECOMMENDATIONS AND THE STATUS OF QUALITY OF CARE IN NURSING HOMES.

26 (2) THE REPORTS SHALL BE SUBMITTED ON MARCH 1 AND SEPTEMBER 1
27 OF EACH YEAR.

28 (G) ~~(H)~~ THE DEPARTMENT'S DEPUTY SECRETARY OF HEALTH CARE
29 FINANCING SHALL SUBMIT A REPORT ANNUALLY TO THE OVERSIGHT COMMITTEE
30 ANNUALLY ON THE STATUS OF THE MEDICAID NURSING HOME REIMBURSEMENT
31 SYSTEM, INCLUDING WHICH SHALL INCLUDE BUT NOT BE LIMITED TO:

32 ~~(H)~~ (1) ELEMENTS OF THE EXISTING METHODOLOGY THAT ARE
33 NO LONGER RELEVANT;

34 ~~(H)~~ (2) ELEMENTS OF THE EXISTING METHODOLOGY THAT CAN
35 BE REVISED;

1 ~~(III)~~ (3) THE APPROPRIATENESS OF REDESIGNING THE SYSTEM
2 GIVEN CHANGING DEMOGRAPHICS OF THE TARGET POPULATION; AND

3 ~~(IV)~~ (4) GENERAL FUND AND FEDERAL FUND SAVINGS FROM A
4 SYSTEM REDESIGN THAT MAY BE REDIRECTED TO NURSING HOME STAFF
5 DEVELOPMENT IN THE NURSING COST CENTER.

6 ~~(2)~~ THE REPORT SHALL BE SUBMITTED ON MARCH 1 OF EACH YEAR.

7 ~~(F)~~ (H) ~~(+)~~ THE OVERSIGHT COMMITTEE SHALL REVIEW THE REPORTS OF
8 THE OFFICE OF HEALTH CARE QUALITY AND THE DEPUTY SECRETARY OF HEALTH
9 CARE FINANCING AND DEVELOP RECOMMENDATIONS TO CONTINUE IMPROVEMENT
10 IN NURSING HOME CARE.

11 ~~(2)~~ (I) THE OVERSIGHT COMMITTEE SHALL REPORT ITS FINDINGS
12 AND RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE
13 STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE
14 DECEMBER 1 OF EACH YEAR.

15 ~~(G)~~ ~~(+)~~ (J) THE DEPARTMENT OF AGING, WITH ASSISTANCE FROM THE
16 DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE DEPARTMENT OF
17 LEGISLATIVE SERVICES, SHALL PROVIDE STAFF SUPPORT FOR THE OVERSIGHT
18 COMMITTEE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000. It shall remain effective for a period of 5 years and 3 months and, at
21 the end of December 31, 2005, with no further action required by the General
22 Assembly, this Act shall be abrogated and of no further force and effect.