
By: **Delegate Hubbard**
Introduced and read first time: February 6, 2002
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2002

CHAPTER _____

1 AN ACT concerning

2 **Health - Nursing Facilities - Information About Home-Based and**
3 **Community-Based Services**

4 FOR the purpose of requiring a ~~certain coordinator~~ social worker at a nursing facility
5 to provide certain information to residents about home- or community-based
6 waiver programs at ~~the time a certain assessment is performed~~ certain times;
7 requiring the information to contain certain information or referrals; requiring
8 the Department of Health and Mental Hygiene to prepare certain information;
9 requiring the ~~coordinator~~ social worker to ask the resident to sign a certain
10 acknowledgment to be kept in the resident's medical record; ~~requiring the~~
11 ~~coordinator to provide a certain referral to certain assistance~~; requiring a
12 certain case manager at a local department of social services to provide certain
13 assistance and information to residents; requiring the case manager to make a
14 certain referral within a certain time period under certain circumstances;
15 providing that employees or representatives of certain agencies and centers
16 shall be given access into certain facilities to provide certain information to
17 residents under certain circumstances; prohibiting employees or representatives
18 of certain agencies and centers from disclosing certain information provided to
19 residents; defining certain terms; and generally relating to information about
20 community services for residents of nursing facilities.

21 BY repealing and reenacting, without amendments,
22 Article - Health - General
23 Section 15-101(a) and (i)
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2001 Supplement)

26 BY adding to

1 Article - Health - General
 2 Section 15-134
 3 Annotated Code of Maryland
 4 (2000 Replacement Volume and 2001 Supplement)

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

7 **Article - Health - General**

8 15-101.

9 (a) In this title the following words have the meanings indicated.

10 (i) "Program" means the Maryland Medical Assistance Program.

11 15-134.

12 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
 13 INDICATED.

14 ~~(2) "MDS COORDINATOR" MEANS A COORDINATOR IN A NURSING~~
 15 ~~FACILITY WHO IS REQUIRED TO FILL OUT THE MINIMUM DATA SET ASSESSMENT.~~

16 ~~(3) "MINIMUM DATA SET ASSESSMENT" OR "MDS" MEANS THE~~
 17 ~~ASSESSMENT INFORMATION REQUIRED IN A QUARTERLY FORM BY THE CENTERS~~
 18 ~~FOR MEDICARE AND MEDICAID SERVICES FOR MEDICAID SERVICES.~~

19 ~~(4) (2) "NURSING FACILITY" HAS THE MEANING STATED IN §~~
 20 ~~15-132(A)(10) OF THIS SUBTITLE.~~

21 ~~(5) (3) "RESIDENT" MEANS AN INDIVIDUAL RECEIVING LONG-TERM~~
 22 ~~CARE IN A NURSING FACILITY.~~

23 (B) (1) ~~DURING A MINIMUM DATA SET ASSESSMENT, AN MDS COORDINATOR~~
 24 ~~A SOCIAL WORKER SHALL PROVIDE TO A RESIDENT A ONE-PAGE INFORMATION~~
 25 ~~SHEET IN LARGE, EASILY LEGIBLE TYPE AND IN FORMATS ACCESSIBLE TO THE~~
 26 ~~RESIDENT THAT:~~

27 (I) EXPLAINS THE AVAILABILITY OF SERVICES UNDER HOME- OR
 28 COMMUNITY-BASED WAIVER PROGRAMS IN THE STATE THAT COULD ENABLE THE
 29 RESIDENT TO LIVE IN THE COMMUNITY;

30 (II) EXPLAINS THAT IF THE RESIDENT'S CARE IS PARTIALLY OR
 31 FULLY REIMBURSED BY THE PROGRAM, THE RESIDENT MAY BE ABLE TO RECEIVE
 32 LONG-TERM CARE SERVICES IN THE COMMUNITY INSTEAD OF IN THE NURSING
 33 FACILITY;

34 (III) PROVIDES INFORMATION REGARDING THE REFERRALS TO
 35 RESIDENTS THAT MAY PROVIDE ADDITIONAL INFORMATION, CASE MANAGEMENT

1 SERVICES, OR EVALUATION SERVICES RELATED TO HOME- AND COMMUNITY-BASED
 2 WAIVER PROGRAMS OR OTHER OPTIONS FOR RECEIVING LONG-TERM CARE
 3 SERVICES IN THE COMMUNITY; AND

4 (IV) IS IN LARGE, EASILY LEGIBLE TYPE AND IN FORMATS
 5 ACCESSIBLE TO THE RESIDENT.

6 (2) THE DEPARTMENT, IN CONSULTATION WITH THE STATE AGENCIES
 7 THAT IMPLEMENT THE HOME- AND COMMUNITY-BASED SERVICES PROGRAMS,
 8 SHALL PREPARE, DISTRIBUTE, AND UPDATE AS NECESSARY THE ONE-PAGE
 9 INFORMATION SHEET REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

10 (3) THE ONE-PAGE INFORMATION SHEET REQUIRED UNDER
 11 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE MADE AVAILABLE TO THE RESIDENT:

12 (I) UPON ADMISSION OR DISCHARGE OF THE RESIDENT; AND

13 (II) AT LEAST ONE TIME ANNUALLY AT THE REQUEST OF THE
 14 RESIDENT.

15 ~~(2) THE INFORMATION PROVIDED BY AN MDS COORDINATOR SHALL:~~

16 ~~(1) EXPLAIN THAT IF THE RESIDENT'S CARE IS PARTIALLY OR~~
 17 ~~FULLY REIMBURSED BY THE PROGRAM, THE RESIDENT MAY BE ABLE TO RECEIVE~~
 18 ~~LONG TERM CARE SERVICES IN THE COMMUNITY INSTEAD OF IN THE NURSING~~
 19 ~~FACILITY; AND~~

20 ~~(II) PROVIDE REFERRALS TO RESIDENTS THAT MAY PROVIDE~~
 21 ~~ADDITIONAL INFORMATION, CASE MANAGEMENT SERVICES, OR EVALUATION~~
 22 ~~SERVICES RELATED TO HOME- AND COMMUNITY-BASED WAIVER PROGRAMS OR~~
 23 ~~OTHER OPTIONS FOR RECEIVING LONG-TERM CARE SERVICES IN THE COMMUNITY.~~

24 ~~(3) (4) THE MDS COORDINATOR SOCIAL WORKER SHALL REQUEST~~
 25 ~~THAT THE RESIDENT SIGN AN ACKNOWLEDGMENT OF RECEIPT OF THE~~
 26 ~~INFORMATION SHEET PROVIDED BY THE MDS COORDINATOR SOCIAL WORKER THAT~~
 27 ~~SHALL BE KEPT IN THE RESIDENT'S MEDICAL RECORD.~~

28 (C) IF A RESIDENT IS UNABLE TO CONTACT OUTSIDE ENTITIES WITHOUT
 29 ASSISTANCE, OR A RESIDENT REQUESTS ASSISTANCE, THE ~~MDS COORDINATOR~~
 30 SOCIAL WORKER SHALL REFER THE RESIDENT TO PERSONS FROM THE DEPARTMENT
 31 THAT CAN PROVIDE INFORMATION OR CASE MANAGEMENT SERVICES THAT WILL
 32 ENABLE THE RESIDENT TO LEARN ABOUT RECEIVING LONG-TERM CARE SERVICES
 33 IN THE COMMUNITY.

34 (D) THE LONG-TERM CARE CASE MANAGER AT A LOCAL DEPARTMENT OF
 35 SOCIAL SERVICES SHALL:

36 (1) PROVIDE ASSISTANCE TO RESIDENTS AND MAKE REFERRALS TO
 37 PERSONS THAT MAY HELP ADDITIONAL INFORMATION, CASE MANAGEMENT
 38 SERVICES, OR EVALUATION SERVICES RELATED TO MEDICAL ASSISTANCE WAIVER

1 PROGRAMS OR OTHER OPTIONS FOR RECEIVING LONG-TERM CARE SERVICES IN THE
2 COMMUNITY;

3 (2) PROVIDE THE SAME INFORMATION TO THE RESIDENT'S HEALTH
4 CARE REPRESENTATIVE OR LEGAL GUARDIAN; AND

5 (3) ~~SHALL~~ ENSURE THAT A COPY OF THE INFORMATION PROVIDED IS
6 KEPT IN A RESIDENT'S CLIENT FILE.

7 (E) WHEN A RESIDENT INDICATES AN INTEREST IN RECEIVING LONG-TERM
8 CARE SERVICES IN THE COMMUNITY, THE LONG TERM CARE CASE MANAGER AT A
9 LOCAL DEPARTMENT OF SOCIAL SERVICES SHALL REFER THE RESIDENT WITHIN 10
10 DAYS TO PERSONS THAT WILL PROVIDE INFORMATION OR CASE MANAGEMENT
11 SERVICES THAT WILL ENABLE THE RESIDENT TO CONSIDER THE OPTIONS THAT MAY
12 BE AVAILABLE AND APPLY FOR BENEFITS IF THE RESIDENT CHOOSES.

13 (F) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, EMPLOYEES OR
14 REPRESENTATIVES OF PROTECTION AND ADVOCACY AGENCIES AND OF CENTERS
15 FOR INDEPENDENT LIVING SHALL HAVE REASONABLE AND UNACCOMPANIED
16 ACCESS TO RESIDENTS OF PUBLIC OR PRIVATE NURSING FACILITIES IN THE STATE
17 THAT RECEIVE REIMBURSEMENT UNDER THE PROGRAM FOR THE PURPOSE OF
18 PROVIDING INFORMATION, TRAINING, AND REFERRAL TO PROGRAMS AND SERVICES
19 ADDRESSING THE NEEDS OF PEOPLE WITH DISABILITIES, INCLUDING
20 PARTICIPATION IN PROGRAMS THAT WOULD ENABLE INDIVIDUALS WITH
21 DISABILITIES TO LIVE OUTSIDE THE NURSING FACILITY.

22 ~~(2) THE ACCESS TO NURSING FACILITIES REQUIRED UNDER~~
23 ~~SUBSECTION (F) OF THIS SECTION SHALL INCLUDE THE OPPORTUNITY TO MEET AND~~
24 ~~COMMUNICATE PRIVATELY WITH RESIDENTS ON A REGULAR BASIS BY TELEPHONE,~~
25 ~~MAIL, ELECTRONIC MAIL, AND IN PERSON.~~

26 ~~(2)~~ (2) EMPLOYEES OR REPRESENTATIVES OF PROTECTION AND
27 ADVOCACY AGENCIES AND OF CENTERS FOR INDEPENDENT LIVING SHALL
28 MAINTAIN THE CONFIDENTIALITY OF THE RESIDENTS AND MAY NOT DISCLOSE THE
29 INFORMATION PROVIDED TO A RESIDENT, EXCEPT WITH THE EXPRESS CONSENT OF
30 THE RESIDENT OR THE RESIDENT'S LEGAL GUARDIAN OR HEALTH CARE
31 REPRESENTATIVE.

32 (3) PUBLIC OR PRIVATE NURSING FACILITIES MAY REQUIRE THE
33 EMPLOYEES OR REPRESENTATIVES OF PROTECTION AND ADVOCACY AGENCIES AND
34 OF CENTERS FOR INDEPENDENT LIVING TO PROVIDE PROOF OF THEIR EMPLOYMENT
35 AND TRAINING BEFORE AUTHORIZING THE ACCESS REQUIRED UNDER PARAGRAPH
36 (1) OF THIS SUBSECTION.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 2002.

