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By: ~~Senator Della~~ **Senators Della, Middleton, Astle, Exum, Gladden, Hafer, Hooper, Kelley, Klausmeier, Pipkin, and Teitelbaum**

Introduced and read first time: February 2, 2004  
Assigned to: Finance

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 2, 2004

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CHAPTER 263

1 AN ACT concerning

2 **Nursing Homes - Notice of Adverse Events Change in Condition**

3 FOR the purpose of requiring a nursing home to provide ~~a certain written notice~~  
4 certain notice concerning a certain change in the resident's condition and care to  
5 certain residents if the Secretary of Health and Mental Hygiene finds that a  
6 nursing home violated certain provisions of law and the violation affected a  
7 resident in a certain way and certain other persons under certain circumstances;  
8 providing for the contents of the ~~written~~ notice; requiring ~~a written~~ the notice to  
9 be consistent with certain federal and State laws and ~~sent~~ provided in a timely  
10 manner; ~~providing for certain administrative penalties requiring the~~  
11 Department of Health and Mental Hygiene to take certain action if it  
12 determines that a nursing home has failed to comply with the notice  
13 requirements of this Act; defining ~~certain terms~~ a certain term; and generally  
14 relating to nursing homes providing notice of ~~adverse events~~ certain changes in  
15 condition and care.

16 BY adding to  
17 Article - Health - General  
18 ~~Section 19-2101 to be under the new subtitle "Subtitle 21. Notice of Adverse~~  
19 ~~Events by Nursing Homes" Section 19-1416~~  
20 Annotated Code of Maryland  
21 (2000 Replacement Volume and 2003 Supplement)

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

1 **Article - Health - General**2 **SUBTITLE 21. NOTICE OF ADVERSE EVENTS BY NURSING HOMES.**3 ~~49-2101 19-1416.~~4 (A) ~~IN THIS SECTION, "NURSING HOME" MEANS A RELATED INSTITUTION AS~~  
5 ~~DEFINED IN § 49-301 OF THIS TITLE.~~6 (B) ~~IF THE SECRETARY FINDS THAT A NURSING HOME HAS VIOLATED A~~  
7 ~~PROVISION OF THIS ARTICLE AND THAT A RESIDENT HAS BEEN ADVERSELY~~  
8 ~~AFFECTED BY THE CARE, TREATMENT, CIRCUMSTANCE, CONDUCT, CONDITION, OR~~  
9 ~~OTHER GROUND FOR THE VIOLATION, THE NURSING HOME SHALL PROVIDE~~  
10 ~~WRITTEN NOTICE OF THE ITEMS LISTED IN SUBSECTION (C) OF THIS SECTION TO:~~11 (1) ~~THE RESIDENT WHO HAS BEEN ADVERSELY AFFECTED BY THE CARE,~~  
12 ~~TREATMENT, CIRCUMSTANCE, CONDUCT, CONDITION, OR OTHER GROUND FOR THE~~  
13 ~~VIOLATION; AND~~14 (2) ~~IF APPLICABLE:~~15 (I) ~~THE INTERESTED FAMILY MEMBER OF THE RESIDENT; OR~~16 (II) ~~THE RESIDENT'S REPRESENTATIVE.~~17 (C) ~~A NURSING HOME SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF~~  
18 ~~THIS SECTION SHALL PROVIDE WRITTEN NOTICE OF THE FOLLOWING:~~19 (1) ~~A CHANGE IN THE RESIDENT'S CONDITION;~~20 (2) ~~THE ADVERSE EVENT THAT MAY RESULT IN A CHANGE IN THE~~  
21 ~~RESIDENT'S CONDITION;~~22 (3) ~~THE OUTCOME OF CARE THAT RESULTS IN AN UNANTICIPATED~~  
23 ~~CONSEQUENCE; AND~~24 (4) ~~THE CORRECTIVE ACTION TAKEN, IF ANY.~~25 (D) ~~A WRITTEN NOTICE REQUIRED UNDER THE PROVISIONS OF THIS SECTION~~  
26 ~~SHALL BE:~~27 (1) ~~CONSISTENT WITH ALL FEDERAL AND STATE CONFIDENTIALITY~~  
28 ~~LAWS; AND~~29 (2) ~~SENT IN A TIMELY MANNER.~~30 (E) ~~THE SECRETARY MAY, FOR A VIOLATION OF THIS SECTION, IMPOSE AN~~  
31 ~~ADMINISTRATIVE PENALTY UP TO:~~32 (1) ~~\$500 FOR A FIRST VIOLATION; AND~~

1           (2)     ~~\$1,000 FOR A SUBSEQUENT, REPEATED VIOLATION.~~

2           (A)     IN THIS SECTION, "CHANGE IN CONDITION" MEANS A SIGNIFICANT  
3 CHANGE IN THE RESIDENT'S PHYSICAL, MENTAL, OR PSYCHOLOGICAL STATUS  
4 INCLUDING:

5           (1)     LIFE-THREATENING CONDITIONS SUCH AS HEART ATTACK OR  
6 STROKE;

7           (2)     CLINICAL COMPLICATIONS SUCH AS:

8                 (I)     DEVELOPMENT OF A PRESSURE SORE;

9                 (II)    ONSET OF RECURRENT PERIODS OF DELIRIUM;

10                (III)   ONSET OF RECURRENT URINARY TRACT INFECTION;

11                (IV)   ONSET OF DEPRESSION; OR

12                (V)     ONSET OF AGGRESSIVE OR INAPPROPRIATE BEHAVIOR;

13           (3)     THE NEED TO DISCONTINUE A MEDICATION OR TREATMENT  
14 BECAUSE OF:

15                 (I)     ADVERSE CONSEQUENCES; OR

16                 (II)    THE NEED TO BEGIN A NEW FORM OF TREATMENT;

17           (4)     EVALUATION AT OR ADMISSION TO A HOSPITAL; AND

18           (5)     ACCIDENTS THAT RESULT IN INJURY HAVING THE POTENTIAL FOR  
19 REQUIRING A PHYSICIAN'S INTERVENTION.

20           (B)     CONSISTENT WITH STATE AND FEDERAL CONFIDENTIALITY LAWS AND IN  
21 A TIMELY MANNER, A NURSING HOME SHALL NOTIFY A RESIDENT AND, IF  
22 APPLICABLE, THE RESIDENT'S REPRESENTATIVE OR INTERESTED FAMILY MEMBER  
23 OF ANY:

24           (1)     CHANGE IN CONDITION;

25           (2)     ADVERSE EVENT THAT MAY RESULT IN A CHANGE IN CONDITION;

26           (3)     OUTCOME OR CARE THAT RESULTS IN AN UNANTICIPATED  
27 CONSEQUENCE; OR

28           (4)     CORRECTIVE ACTION, IF APPROPRIATE.

29           (C)     IF THE DEPARTMENT DETERMINES THAT A NURSING HOME FAILED TO  
30 NOTIFY A RESIDENT, RESIDENT'S REPRESENTATIVE, OR INTERESTED FAMILY  
31 MEMBER UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL  
32 REQUIRE AS PART OF A PLAN OF CORRECTION THAT THE NURSING HOME NOTIFY

1 THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, OR INTERESTED FAMILY  
2 MEMBER AS SOON AS POSSIBLE.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 October 1, 2004.