

**HB0130/604361/1**

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 130  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after “facilities;” insert “providing that a certain continuing care operation is not subject to a certain quality assessment;”; in line 7, after “on” insert “a”; in the same line, strike “net receipts” and substitute “amount per non-Medicare day of service”; strike beginning with “requiring” in line 7 down through “use” in line 8 and substitute “providing for the distribution of”; in line 8, after “to” insert “a special fund, to be used only to”; in line 12, strike “defining a certain term;”; strike beginning with “continuing” in line 13 down through the second “facility” in line 14 and substitute “nursing home bed in a certain continuing care retirement community; authorizing the Department to modify certain elements that determine the quality assessment under certain circumstances”; in line 15, after “Act;” insert “requiring the Department to submit a certain report to the General Assembly under certain circumstances; expressing the intent of the General Assembly that the Department develop certain accountability measures to be used to distribute certain revenues;”; in line 21, strike “\_ (S.B. 6)” and substitute “3”; and after line 21, insert:

“BY repealing and reenacting, with amendments,

Article – Human Services

Section 10-402(b)(1)

Annotated Code of Maryland

(As enacted by Chapter 3 of the Acts of the General Assembly of 2007)”.

AMENDMENT NO. 2

On page 2, after line 18, insert:

“10-402.

(Over)

(b) (1) A continuing care operation that is subject to the provisions of this subtitle is not subject to:

(i) the Maryland Health Maintenance Organization Act under Title 19, Subtitle 7 of the Health – General Article;

(ii) except for § 15–603 of the Insurance Article, the Insurance Article;

(iii) Title 8 of the Real Property Article; [or]

(iv) any county or municipal landlord–tenant law; OR

(v) § 19–310.1 OF THE HEALTH – GENERAL ARTICLE.”.

AMENDMENT NO. 3

On page 3, strike beginning with “IN” in line 6 down through “ARTICLE” in line 11 and substitute “THIS SECTION APPLIES TO A NURSING FACILITY, AS DEFINED IN § 19–301 OF THIS SUBTITLE, THAT:

(I) HAS 45 OR MORE BEDS; AND

(II) OPERATES IN THE STATE.

(2) THIS SECTION DOES NOT APPLY TO A NURSING HOME BED IN A CONTINUING CARE RETIREMENT COMMUNITY THAT HAS OBTAINED A CERTIFICATE OF REGISTRATION TO PROVIDE CONTINUING CARE UNDER TITLE 10, SUBTITLE 4 OF THE HUMAN SERVICES ARTICLE”;

strike beginning with “OPERATING” in line 13 down through “BEDS” in line 14 and substitute “SUBJECT TO THIS SECTION”; and in line 17, strike “3-MONTH PERIOD” and substitute “FISCAL QUARTER”.

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 4 on page 4, inclusive, and substitute:

**“(C) (1) ON OR BEFORE THE 60TH DAY AFTER EACH QUARTER OF THE STATE FISCAL YEAR, EACH NURSING FACILITY SUBJECT TO THIS SECTION SHALL PAY TO THE COMPTROLLER AN AMOUNT DETERMINED BY THE DEPARTMENT BASED ON AN AMOUNT PER NON-MEDICARE DAY OF SERVICE FOR THE PREVIOUS FISCAL QUARTER.**

**(2) THE ASSESSMENT SHALL BE BASED ON AN AMOUNT PER PATIENT DAY, NOT INCLUDING MEDICARE DAYS, NECESSARY TO FULLY FUND THE NURSING FACILITY PAYMENT SYSTEM AS PROVIDED UNDER SUBSECTION (B)(3) OF THIS SECTION.”.**

On page 4, in line 6, after “BE” insert “DISTRIBUTED TO A SPECIAL FUND, TO BE”; and in the same line, after “DEPARTMENT” insert “ONLY”.

AMENDMENT NO. 5

On page 4, in line 15, after “Hygiene” insert “:

(1)”;

strike beginning with “continuing” in line 18 down through “Act” in line 20 and substitute “nursing home bed in a continuing care retirement community under § 19–310.1(a)(2) of the Health – General Article, as enacted by Section 1 of this Act; and

(2) may modify the minimum licensed bed capacity of a nursing facility subject to the imposition of a quality assessment under § 19-310.1 of the Health – General Article, as enacted by Section 1 of this Act, or other elements that determine the quality assessment, as required by the Centers for Medicare and Medicaid Services as a condition for the approval of the waiver applied for under item (1) of this section”;

and in line 22, strike “date that” and substitute “first day of the State fiscal quarter during which”.

AMENDMENT NO. 6

On page 4, after line 13, insert:

**“(F) ON OR BEFORE MARCH 1, 2008, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE IMPLEMENTATION OF THIS SECTION, INCLUDING:**

**(1) THE PERCENTAGE AND AMOUNT OF THE ASSESSMENT CHARGED TO EACH NURSING FACILITY SUBJECT TO THIS SECTION;**

**(2) THE NUMBER OF NURSING FACILITIES SUBJECT TO THIS SECTION WITH A NET LOSS; AND**

**(3) A COMPARISON OF THE TOTAL AMOUNT PROVIDED IN THE MEDICAID BUDGET FOR NURSING HOME REIMBURSEMENT IN THE CURRENT FISCAL YEAR TO THE AMOUNT PROPOSED FOR THE UPCOMING FISCAL YEAR.”.**

AMENDMENT NO. 7

On page 5, after line 12, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(a) Beginning July 1, 2008, a portion of the revenues from the quality assessment shall be distributed to nursing facilities subject to this Act based on accountability measures that indicate quality of care or a commitment to quality of care. The accountability measures should be objective, measurable, and when considered in combination with each other, deemed to have a correlation to residents’ quality of life and care. The Department of Health and Mental Hygiene shall develop accountability measures in consultation with representatives of the nursing facilities and other stakeholders.

(b) Up to 25% of the revenues generated by the quality assessment shall be distributed as provided in this section, to the extent federal law allows. Further, the distribution of revenues as provided in this section shall be used as an incentive for nursing facilities to provide quality care, and may not be used to directly or indirectly hold harmless any nursing facility.”;

and in line 13, strike “5.” and substitute “6.”.