

HOUSE BILL 837

J3
HB 1010/06 – HGO

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By: **Delegates McDonough, Impallaria, and Shewell**
Introduced and read first time: February 9, 2007
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes – Health Care Quality Disclosure Form – Requirements**

3 FOR the purpose of requiring nursing homes to develop and make available to certain
4 persons a certain Health Care Quality Disclosure Form; providing for the
5 purpose of the form; requiring certain forms to be signed by certain persons;
6 requiring a nursing home to create and maintain certain correspondence files;
7 providing for the contents of certain files; requiring that certain information in
8 certain records be deleted; requiring records in regulatory files to be unedited;
9 providing that certain persons may view certain files at any time; requiring a
10 nursing home to promptly comply with a request by a licensing authority to
11 review certain files; requiring certain information to be entered into a certain
12 database; requiring that certain information be deleted from certain
13 information entered into a certain database; requiring a certain representative
14 of a resident to be given a certain passcode to a certain database; defining a
15 certain term; and generally relating to requirements for a Health Care Quality
16 Disclosure Form in nursing homes.

17 BY renumbering

18 Article – Health – General
19 Section 19–1417
20 to be Section 19–1418
21 Annotated Code of Maryland
22 (2005 Replacement Volume and 2006 Supplement)

23 BY adding to

24 Article – Health – General

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 19–1417
2 Annotated Code of Maryland
3 (2005 Replacement Volume and 2006 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That Section(s) 19–1417 of Article – Health – General of the Annotated
6 Code of Maryland be renumbered to be Section(s) 19–1418.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article – Health – General**

10 **19–1417.**

11 (A) IN THIS SECTION, “FORM” MEANS A HEALTH CARE QUALITY
12 DISCLOSURE FORM.

13 (B) (1) A NURSING HOME SHALL DEVELOP AND MAKE AVAILABLE A
14 HEALTH CARE QUALITY DISCLOSURE FORM TO ALL RESIDENTS OF THE
15 NURSING HOME AND THE FAMILY MEMBERS, LEGAL GUARDIANS, AND OTHER
16 INTERESTED PARTIES OF A RESIDENT OF THE NURSING HOME.

17 (2) THE PURPOSE OF THE FORM IS TO PROVIDE A PUBLIC,
18 STANDARDIZED, AND VERIFIABLE MEANS BY WHICH A FAMILY MEMBER, LEGAL
19 GUARDIAN, OR OTHER INTERESTED PARTY OF A RESIDENT OF THE NURSING
20 HOME MAY SEND A WRITTEN COMMUNICATION INCLUDING QUESTIONS,
21 CONCERNS ABOUT CARE, AND OTHER ITEMS OF CONCERN, TO THE NURSING
22 HOME.

23 (C) EACH COMPLETED FORM SHALL BE SIGNED BY:

24 (1) THE FAMILY MEMBER, LEGAL GUARDIAN, OR INTERESTED
25 PARTY MAKING THE COMMUNICATION; AND

26 (2) THE DESIGNATED REPRESENTATIVE OF THE NURSING HOME.

27 (D) (1) A NURSING HOME SHALL CREATE AND MAINTAIN A PUBLIC
28 CORRESPONDENCE FILE AND A REGULATORY CORRESPONDENCE FILE THAT

1 INCLUDES A COPY OF EACH COMPLETED FORM FILED WITH THE NURSING
2 HOME.

3 (2) (I) THE RECORDS IN THE PUBLIC FILE SHALL DELETE ANY
4 INFORMATION THAT IDENTIFIES THE INDIVIDUAL RESIDENT.

5 (II) THE RECORDS IN THE REGULATORY FILE SHALL BE
6 UNEDITED.

7 (3) A COPY OF A COMPLETED FORM SHALL BE RETAINED BY THE
8 NURSING HOME IN BOTH THE PUBLIC AND REGULATORY FILES FOR AS LONG AS
9 THE RESIDENT FOR WHICH THE FORM WAS FILED RESIDES IN THE NURSING
10 HOME.

11 (4) RESIDENTS, PROSPECTIVE RESIDENTS, AND FAMILY
12 MEMBERS, LEGAL GUARDIANS, AND OTHER INTERESTED PARTIES OF A
13 RESIDENT OF THE NURSING HOME SHALL HAVE ACCESS TO THE PUBLIC
14 CORRESPONDENCE FILE AT ALL TIMES.

15 (5) THE NURSING HOME SHALL PROMPTLY COMPLY WITH A
16 REQUEST BY A LICENSING AUTHORITY TO REVIEW THE RECORDS IN EITHER THE
17 PUBLIC OR REGULATORY FILES.

18 (E) (1) (I) AN ELECTRONIC COPY OF EACH COMPLETED FORM
19 SHALL BE ENTERED INTO A SECURE DATABASE.

20 (II) THE INFORMATION ENTERED INTO THE DATABASE
21 UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL DELETE ANY
22 INFORMATION THAT IDENTIFIES AN INDIVIDUAL RESIDENT.

23 (2) ONE REPRESENTATIVE OF A RESIDENT SHALL BE GIVEN A
24 SECURE PASSCODE TO ENTER THE DATABASE AND VIEW THE INFORMATION
25 FROM THE COMPLETED FORMS.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2007.