

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

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2007

CHAPTER _____

1 AN ACT concerning

2 ~~Nursing Homes – Health Care Quality Disclosure Form – Requirements~~
3 Department of Health and Mental Hygiene – Regulation of Nursing Homes –
4 Review

5 FOR the purpose of ~~requiring nursing homes to develop and make available to certain~~
6 ~~persons a certain Health Care Quality Disclosure Form; providing for the~~
7 ~~purpose of the form; requiring certain forms to be signed by certain persons;~~
8 ~~requiring a nursing home to create and maintain certain correspondence files;~~
9 ~~providing for the contents of certain files; requiring that certain information in~~
10 ~~certain records be deleted; requiring records in regulatory files to be unedited;~~
11 ~~providing that certain persons may view certain files at any time; requiring a~~
12 ~~nursing home to promptly comply with a request by a licensing authority to~~
13 ~~review certain files; requiring certain information to be entered into a certain~~
14 ~~database; requiring that certain information be deleted from certain~~
15 ~~information entered into a certain database; requiring a certain representative~~
16 ~~of a resident to be given a certain passcode to a certain database; defining a~~
17 ~~certain term; and generally relating to requirements for a Health Care Quality~~
18 Disclosure Form in nursing homes requiring the Department of Health and
19 Mental Hygiene, in consultation with certain groups and individuals, to conduct
20 a certain review; requiring the Department to report to certain committees of
21 the General Assembly on or before a certain date; and generally relating to the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Department of Health and Mental Hygiene and a review of the regulation of
 2 nursing homes.

3 ~~BY renumbering~~
 4 ~~Article Health General~~
 5 ~~Section 19 1417~~
 6 ~~to be Section 19 1418~~
 7 ~~Annotated Code of Maryland~~
 8 ~~(2005 Replacement Volume and 2006 Supplement)~~

9 ~~BY adding to~~
 10 ~~Article Health General~~
 11 ~~Section 19 1417~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(2005 Replacement Volume and 2006 Supplement)~~

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

17 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
 18 ~~read as follows:~~

19 ~~Article Health General~~
 20 ~~19 1417.~~

21 ~~(A) IN THIS SECTION, "FORM" MEANS A HEALTH CARE QUALITY~~
 22 ~~DISCLOSURE FORM.~~

23 ~~(B) (1) A NURSING HOME SHALL DEVELOP AND MAKE AVAILABLE A~~
 24 ~~HEALTH CARE QUALITY DISCLOSURE FORM TO ALL RESIDENTS OF THE~~
 25 ~~NURSING HOME AND THE FAMILY MEMBERS, LEGAL GUARDIANS, AND OTHER~~
 26 ~~INTERESTED PARTIES OF A RESIDENT OF THE NURSING HOME.~~

27 ~~(2) THE PURPOSE OF THE FORM IS TO PROVIDE A PUBLIC,~~
 28 ~~STANDARDIZED, AND VERIFIABLE MEANS BY WHICH A FAMILY MEMBER, LEGAL~~
 29 ~~GUARDIAN, OR OTHER INTERESTED PARTY OF A RESIDENT OF THE NURSING~~
 30 ~~HOME MAY SEND A WRITTEN COMMUNICATION INCLUDING QUESTIONS,~~
 31 ~~CONCERNS ABOUT CARE, AND OTHER ITEMS OF CONCERN, TO THE NURSING~~
 32 ~~HOME.~~

1 ~~(C) EACH COMPLETED FORM SHALL BE SIGNED BY:~~

2 ~~(1) THE FAMILY MEMBER, LEGAL GUARDIAN, OR INTERESTED~~
3 ~~PARTY MAKING THE COMMUNICATION; AND~~

4 ~~(2) THE DESIGNATED REPRESENTATIVE OF THE NURSING HOME.~~

5 ~~(D) (1) A NURSING HOME SHALL CREATE AND MAINTAIN A PUBLIC~~
6 ~~CORRESPONDENCE FILE AND A REGULATORY CORRESPONDENCE FILE THAT~~
7 ~~INCLUDES A COPY OF EACH COMPLETED FORM FILED WITH THE NURSING~~
8 ~~HOME.~~

9 ~~(2) (I) THE RECORDS IN THE PUBLIC FILE SHALL DELETE ANY~~
10 ~~INFORMATION THAT IDENTIFIES THE INDIVIDUAL RESIDENT.~~

11 ~~(II) THE RECORDS IN THE REGULATORY FILE SHALL BE~~
12 ~~UNEDITED.~~

13 ~~(3) A COPY OF A COMPLETED FORM SHALL BE RETAINED BY THE~~
14 ~~NURSING HOME IN BOTH THE PUBLIC AND REGULATORY FILES FOR AS LONG AS~~
15 ~~THE RESIDENT FOR WHICH THE FORM WAS FILED RESIDES IN THE NURSING~~
16 ~~HOME.~~

17 ~~(4) RESIDENTS, PROSPECTIVE RESIDENTS, AND FAMILY~~
18 ~~MEMBERS, LEGAL GUARDIANS, AND OTHER INTERESTED PARTIES OF A~~
19 ~~RESIDENT OF THE NURSING HOME SHALL HAVE ACCESS TO THE PUBLIC~~
20 ~~CORRESPONDENCE FILE AT ALL TIMES.~~

21 ~~(5) THE NURSING HOME SHALL PROMPTLY COMPLY WITH A~~
22 ~~REQUEST BY A LICENSING AUTHORITY TO REVIEW THE RECORDS IN EITHER THE~~
23 ~~PUBLIC OR REGULATORY FILES.~~

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

26 ~~(II) THE INFORMATION ENTERED INTO THE DATABASE~~
27 ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL DELETE ANY~~
28 ~~INFORMATION THAT IDENTIFIES AN INDIVIDUAL RESIDENT.~~

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

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That:

6 (a) The Department of Health and Mental Hygiene, in consultation with the
7 Maryland Board of Nursing, the Maryland Board of Pharmacy, Mid-Atlantic
8 LifeSpan, the Health Facilities Association of Maryland, the Oversight Committee on
9 the Quality of Care in Nursing Homes and Assisted Living Facilities, the United
10 Seniors of Maryland, Voices for Quality Care, the Maryland Long-Term Care
11 Ombudsman Program, providers, advocates, and other interested parties, shall review
12 current State laws and regulations, best practices, and experiences of other states with
13 regard to the regulation of nursing homes in the State.

14 (b) On or before January 1, 2008, the Department shall report to the Senate
15 Finance Committee and the House Health and Government Operations Committee, in
16 accordance with § 2-1246 of the State Government Article, on the review conducted
17 under subsection (a) of this section, and shall include in the report a discussion of the
18 following issues related to nursing homes in the State:

19 (1) the status of and demand for electronic monitoring, including the
20 feasibility of and goals for electronic monitoring;

21 (2) resident-directed care and whether specific State regulations may
22 be barriers to culture change and patients' rights;

23 (3) the status and rights of family councils;

24 (4) communication between residents or their legal representatives
25 and nursing homes;

26 (5) whether specific State regulations should be changed to provide
27 nursing homes with greater flexibility while maintaining safety; and

28 (6) any other issue that the Department considers necessary to review.

29 SECTION ~~2~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
30 effect ~~October~~ June 1, 2007.