

CHAPTER 436

(House Bill 837)

AN ACT concerning

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

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

~~BY renumbering~~

~~Article – Health – General~~

~~Section 19 – 1417~~

~~to be Section 19 – 1418~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2006 Supplement)~~

~~BY adding to~~

~~Article – Health – General~~

~~Section 19 – 1417~~

~~Annotated Code of Maryland~~

~~(2005 Replacement Volume and 2006 Supplement)~~

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

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

~~**Article Health General**~~

~~**19-1417.**~~

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

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

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

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

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

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

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

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

~~(ii) THE RECORDS IN THE REGULATORY FILE SHALL BE UNEDITED.~~

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

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

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

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

~~(ii) THE INFORMATION ENTERED INTO THE DATABASE UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH SHALL DELETE ANY INFORMATION THAT IDENTIFIES AN INDIVIDUAL RESIDENT.~~

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

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

(a) The Department of Health and Mental Hygiene, in consultation with the Maryland Board of Nursing, the Maryland Board of Pharmacy, Mid-Atlantic LifeSpan, the Health Facilities Association of Maryland, the Oversight Committee on the Quality of Care in Nursing Homes and Assisted Living Facilities, the United Seniors of Maryland, Voices for Quality Care, the Maryland Long-Term Care Ombudsman Program, providers, advocates, and other interested parties, shall review

current State laws and regulations, best practices, and experiences of other states with regard to the regulation of nursing homes in the State.

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

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

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

(3) the status and rights of family councils;

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

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

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

SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ June 1, 2007.

Approved by the Governor, May 8, 2007.