

Chapter 388

(House Bill 658)

AN ACT concerning

Public Safety – Emergency Management – Emergency Plans for Human Service Facilities = and Dialysis Centers

FOR the purpose of ~~altering the definition of “human service facility” to include certain kidney dialysis centers for purposes of certain provisions of law requiring a human service facility to develop a certain emergency plan; providing that a human service facility is~~ *certain facilities and centers are* solely responsible for certain financial obligations arising from certain activations of a certain emergency plan; specifying that certain provisions of this Act do not prohibit a ~~human service facility~~ *certain facility or center* from applying for and receiving certain reimbursement; *requiring certain kidney dialysis centers to have certain emergency plans; requiring certain plans to include certain policies and procedures; requiring certain kidney dialysis centers to provide access to certain plans to certain organizations for emergency management;* requiring the Department of Health and Mental Hygiene to adopt certain regulations on or before a certain date in consultation with representatives of certain entities; *requiring the Department to ensure that certain regulations do not conflict with certain federal requirements; defining a certain term;* and generally relating to emergency plans for human service facilities and kidney dialysis centers.

BY repealing and reenacting, with amendments,
 Article – Public Safety
 Section 14–110.1
 Annotated Code of Maryland
 (2011 Replacement Volume)

BY adding to
Article – Public Safety
Section 14–110.2
Annotated Code of Maryland
(2011 Replacement Volume)

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

Article – Public Safety

14–110.1.

(a) In this section, “human service facility” means a facility licensed by the State that is:

- (1) a nursing home, as defined in § 19–1401 of the Health – General Article;
- (2) an assisted living facility, as defined in § 19–1801 of the Health – General Article;
- (3) a hospital, as defined in § 19–301 of the Health – General Article;
- (4) a related institution as defined in § 19–301 of the Health – General Article;
- (5) a State–operated institution for mental disease;
- (6) a group home as defined in § 7–101 of the Health – General Article;
- (7) an alternative living unit as defined in § 7–101 of the Health – General Article; ~~and~~
- (8) a State residential center as defined in § 7–101 of the Health – General Article; ~~AND~~
- ~~(9) A KIDNEY DIALYSIS CENTER AS DEFINED IN § 19-3B-01 OF THE HEALTH – GENERAL ARTICLE.~~

(b) A human service facility shall develop an emergency plan.

(c) An emergency plan shall include procedures that will be followed before, during, and after an emergency to address:

- (1) the evacuation, transportation, or shelter–in–place of individuals served by the human service facility;
 - (2) the notification to families, staff, and licensing authorities regarding the action that will be taken concerning the safety and well–being of the individuals served by the human service facility;
 - (3) staff coverage, organization, and assignment of responsibilities;
- and
- (4) the continuity of operations, including:
 - (i) procuring essential goods, equipment, and services; and

- (ii) relocation to alternate facilities.

(D) (1) THIS SUBSECTION DOES NOT PROHIBIT A HUMAN SERVICE FACILITY FROM APPLYING FOR AND RECEIVING REIMBURSEMENT:

(I) UNDER ANY APPLICABLE INSURANCE POLICY; OR

(II) FROM ANY STATE OR FEDERAL FUNDS THAT MAY BE AVAILABLE DUE TO A DECLARED STATE OR FEDERAL EMERGENCY.

(2) A HUMAN SERVICE FACILITY IS SOLELY RESPONSIBLE FOR ANY FINANCIAL OBLIGATION ARISING FROM VOLUNTARY OR MANDATORY ACTIVATION OF ANY ASPECT OF THE EMERGENCY PLAN DEVELOPED BY THE HUMAN SERVICE FACILITY UNDER THIS SECTION.

[(d)] (E) (1) On or before November 30, 2007, a State agency that is responsible for the licensing of a human service facility shall adopt regulations governing the development of emergency plans under this section.

(2) Regulations adopted under paragraph (1) of this subsection shall be developed in consultation with representatives of:

- (i) the Maryland Emergency Management Agency;
- (ii) the Maryland Institute for Emergency Medical Services Systems;
- (iii) local organizations for emergency management; and
- (iv) human service facilities.

[(e)] (F) For purposes of coordinating local emergency planning efforts, a human service facility shall provide access to the emergency plans developed under this section to local organizations for emergency management.

14-110.2.

(A) IN THIS SECTION, "KIDNEY DIALYSIS CENTER" HAS THE MEANING STATED IN § 19-3B-01 OF THE HEALTH – GENERAL ARTICLE.

(B) A KIDNEY DIALYSIS CENTER SHALL HAVE AN EMERGENCY PLAN.

(C) AN EMERGENCY PLAN SHALL INCLUDE POLICIES AND PROCEDURES THAT WILL BE FOLLOWED BEFORE, DURING, AND AFTER AN EMERGENCY TO ADDRESS:

(1) THE SAFE MANAGEMENT OF INDIVIDUALS WHO ARE RECEIVING SERVICES AT THE KIDNEY DIALYSIS CENTER WHEN AN EMERGENCY OCCURS;

(2) NOTIFICATION OF PATIENTS, FAMILIES, STAFF, AND LICENSING AUTHORITIES REGARDING ACTIONS THAT WILL BE TAKEN CONCERNING THE PROVISION OF DIALYSIS SERVICES TO THE INDIVIDUALS SERVED BY THE KIDNEY DIALYSIS CENTER;

(3) STAFF COVERAGE, ORGANIZATION, AND ASSIGNMENT OF RESPONSIBILITIES; AND

(4) THE CONTINUITY OF OPERATIONS, INCLUDING PROCEDURES TO SECURE ACCESS TO ESSENTIAL GOODS, EQUIPMENT, AND DIALYSIS SERVICES.

(D) (1) THIS SUBSECTION DOES NOT PROHIBIT A KIDNEY DIALYSIS CENTER FROM APPLYING FOR AND RECEIVING REIMBURSEMENT:

(I) UNDER ANY APPLICABLE INSURANCE POLICY; OR

(II) FROM ANY STATE OR FEDERAL FUNDS THAT MAY BE AVAILABLE DUE TO A DECLARED STATE OR FEDERAL EMERGENCY.

(2) A KIDNEY DIALYSIS CENTER IS SOLELY RESPONSIBLE FOR ANY FINANCIAL OBLIGATION ARISING FROM VOLUNTARY OR MANDATORY ACTIVATION OF ANY ASPECT OF THE EMERGENCY PLAN DEVELOPED BY THE KIDNEY DIALYSIS CENTER UNDER THIS SECTION.

(E) FOR PURPOSES OF COORDINATING LOCAL EMERGENCY PLANNING EFFORTS, A KIDNEY DIALYSIS CENTER SHALL PROVIDE ACCESS TO THE EMERGENCY PLANS DEVELOPED UNDER THIS SECTION TO LOCAL ORGANIZATIONS FOR EMERGENCY MANAGEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That, ~~on~~:

(a) On or before January 1, 2013, the Department of Health and Mental Hygiene shall adopt regulations governing the development of emergency plans by kidney dialysis centers subject to Section 1 of this Act, in consultation with representatives of:

(1) the Maryland Emergency Management Agency;

- (2) the Maryland Institute for Emergency Medical Services Systems;
- (3) local organizations for emergency management; and
- (4) kidney dialysis centers.

(b) In developing the regulations required under this section, the Department shall ensure that the requirements for emergency plans for kidney dialysis centers under this Act do not conflict with federal requirements of kidney dialysis centers.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.