

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 207

(Delegate Wilson)

Health and Government Operations

Finance

Nursing Homes – Resident Change in Condition – Notification and Consultation
With Physician

This bill specifies that a nursing home, consistent with State and federal confidentiality laws, must *immediately* (rather than in a timely manner) notify a resident and, if applicable, the resident’s representative or interested family member of and consult with the resident’s physician regarding specified changes in the condition of the resident, or a decision to transfer or discharge the resident. The bill alters the definition of “change in condition” to include the need to *alter* treatment (rather than discontinue a medication or treatment) for specified reasons.

Fiscal Summary

State Effect: None. The bill does not substantively change State activities or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: “Change in condition” means a significant change in a nursing home resident’s physical, mental, or psychological status, including life-threatening conditions, clinical complications, the need to discontinue a medication or treatment, evaluation at or admission to a hospital, and accidents that result in injury that may require physician intervention.

Currently, a nursing home, consistent with State and federal confidentiality laws and *in a timely manner*, must notify a resident and, if applicable the resident's representative or interested family member of any (1) change in condition; (2) adverse event that may result in a change in condition; (3) outcome or care that results in an unanticipated consequence; or (4) appropriate corrective action. If the Maryland Department of Health (MDH) determines that a nursing home failed to provide the required notice, MDH must require, as a part of a plan of correction, that the nursing home give proper notice as soon as possible.

Under federal regulations (42 CFR § 483.10(g)(14)), a long-term care facility must *immediately* inform the resident, consult the resident's physician, and notify the resident's representative when there is (1) an accident involving the resident that results in injury and has potential for requiring physician intervention; (2) a significant change in the resident's physical, mental, or psychosocial status; (3) a need to alter treatment significantly; or (4) a decision to transfer or discharge the resident from the facility.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

Fiscal Note History: First Reader - January 13, 2021
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Analysis by: Amberly Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510