

SENATE BILL 712

J3, P1

4lr2214
CF HB 938

By: **Senator Bailey**

Introduced and read first time: January 31, 2024

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 25, 2024

CHAPTER _____

1 AN ACT concerning

2 **State-Owned Nursing Homes – Deficiencies, Citations, and Fines – Reporting**
3 **Requirements**

4 FOR the purpose of requiring the department charged with oversight of a State-owned
5 nursing home operated by a contractor, instead of the contractor, to provide notice of
6 certain deficiencies and enforcement actions to certain persons; requiring that the
7 notice be provided within a certain time period after a final survey finding; requiring
8 the department charged with oversight, rather than the contractor, to provide
9 certain information to certain persons within a certain time period after the
10 contractor's final acceptance of a plan of correction or completion of an informal
11 dispute resolution, rather than after the contractor's receipt of a citation or fine; and
12 generally relating to State-owned nursing homes.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 19–14C–01 and 19–14C–02
16 Annotated Code of Maryland
17 (2023 Replacement Volume)

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

20 **Article – Health – General**

21 19–14C–01.

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 (a) In this subtitle the following words have the meanings indicated.

2 (b) “Deficiency” has the meaning stated in § 19–1401 of this title.

3 (c) “Monitoring agency” means:

4 (1) The Centers for Medicare and Medicaid Services; [or]

5 (2) The Office of Health Care Quality within the Department;

6 **(3) THE MARYLAND DEPARTMENT OF LABOR;**

7 **(4) A LOCAL HEALTH DEPARTMENT;**

8 **(5) THE U.S. DEPARTMENT OF VETERANS AFFAIRS; OR**

9 **(6) THE FEDERAL OCCUPATIONAL SAFETY AND HEALTH**
10 **ADMINISTRATION.**

11 (d) “Nursing home” has the meaning stated in § 19–1401 of this title.

12 19–14C–02.

13 (a) (1) If a State–owned nursing home that is operated by a contractor receives
14 a deficiency from or is subject to an enforcement action by a monitoring agency, **WITHIN**
15 **15 DAYS AFTER THE FINAL SURVEY FINDING**, the [contractor promptly] **DEPARTMENT**
16 **CHARGED WITH OVERSIGHT OF THE NURSING HOME** shall provide notice of the
17 deficiency or enforcement action to:

18 (i) The Governor;

19 [(ii) The State agency overseeing the nursing home;] ~~and~~

20 [(iii)] **(II)** In accordance with § 2–1257 of the State Government
21 Article, the Senate Finance Committee, the House Health and Government Operations
22 Committee, and the members of the General Assembly who represent the district in which
23 the nursing home is located; **AND**

24 **(III) THE LOCAL GOVERNING BODY OF THE COUNTY IN WHICH**
25 **THE NURSING HOME IS LOCATED.**

26 (2) Within 30 days after [a State–owned nursing home that is operated by
27 a contractor receives a citation or fine from a monitoring agency, the contractor] **THE**
28 **CONTRACTOR’S FINAL ACCEPTANCE OF A PLAN OF CORRECTION OR COMPLETION OF**

1 AN INFORMAL DISPUTE RESOLUTION, THE DEPARTMENT CHARGED WITH
 2 OVERSIGHT OF THE NURSING HOME shall provide to the Governor[, the State agency
 3 overseeing the nursing home,] and, in accordance with § 2–1257 of the State Government
 4 Article, the Senate Finance Committee, the House Health and Government Operations
 5 Committee, and the members of the General Assembly who represent the district in which
 6 the nursing home is located:

7 (i) A statement of the deficiencies found by the monitoring agency;

8 (ii) [A] THE plan of correction OR RESULTS OF THE INFORMAL
 9 DISPUTE RESOLUTION; and

10 (iii) All communications from the monitoring agency regarding
 11 survey activities conducted at the nursing home.

12 (b) On or before January 1 each year, beginning in 2024, the Department shall
 13 report to the Governor and, in accordance with § 2–1257 of the State Government Article,
 14 the General Assembly on all federal and State:

15 (1) Survey activities conducted during the immediately preceding
 16 12-month period at each State-owned nursing home that is operated by a contractor; and

17 (2) Enforcement actions imposed during the immediately preceding
 18 12-month period on each State-owned nursing home that is operated by a contractor.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 20 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.