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**By: Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 6, 1996

Assigned to: Environmental Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 12, 1996

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CHAPTER \_\_\_\_

1 AN ACT concerning

2 **Hospitals and Related Institutions - Standards and Inspections**

3 FOR the purpose of altering the requirements on surveys for nursing homes, domiciliary  
4 care homes, and nonaccredited hospitals.

5 BY repealing and reenacting, with amendments,

6 Article - Health - General

7 Section 19-308(b)

8 Annotated Code of Maryland

9 (1990 Replacement Volume and 1995 Supplement)

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

12 **Article - Health - General**

13 19-308.

14 (b) (1) To assure compliance with the standards adopted under this subtitle, the  
15 Secretary shall [have an inspection made] CONDUCT:

16 (i) [Of] AN INSPECTION OF each related institution and each  
17 nonaccredited hospital for which a license is sought; [and]

18 (ii) [Periodically of each related institution and each nonaccredited  
19 hospital for which a license has been issued] AT LEAST ONE UNANNOUNCED  
20 INSPECTION PER YEAR OF EACH RELATED INSTITUTION FOR WHICH A LICENSE HAS  
21 BEEN ISSUED; AND

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1 (III) AT LEAST ONE INSPECTION EVERY 2 YEARS OF EACH  
2 NONACCREDITED HOSPITAL FOR WHICH A LICENSE HAS BEEN ISSUED.

3 (2) An accredited hospital shall be subject to inspections under this subtitle  
4 by the Department for:

5 (i) A complaint investigation in accordance with § 19-309 of this part;

6 (ii) Reviewing compliance with licensure requirements for risk  
7 management, utilization review, and physician credentialing under § 19-319 of this  
8 subtitle; or

9 (iii) Reviewing compliance with a written progress report or other  
10 documentation of corrective action in response to a focused survey submitted by the  
11 hospital to the Joint Commission on Accreditation of Health Care Organizations in  
12 response to a Type I finding that the hospital is only in partial compliance with the  
13 patient care standards established by the Joint Commission on Accreditation of Health  
14 Care Organizations.

15 (3) When conducting an inspection of an accredited hospital UNDER  
16 PARAGRAPH (2)(III) OF THIS SUBSECTION, OR WHEN CONDUCTING A COMPLAINT  
17 INVESTIGATION IN AN ACCREDITED HOSPITAL, the Department shall use the current  
18 standards of the Joint Commission on Accreditation of Health Care Organizations.

19 [(4) A hospital that begins initial operation on or after July 1, 1982 shall be  
20 inspected for compliance with the safety and sanitation components of the regulations  
21 promulgated by the Department. If the hospital has not applied for accreditation by the  
22 Joint Commission on Accreditation of Health Care Organizations within 1 year after  
23 beginning operation or has had its application for accreditation rejected, the Department  
24 shall inspect the hospital for compliance with the standards adopted under this subtitle.]

25 [(5) At least 2 inspections a year of each related institution shall be  
26 unannounced.]

27 (4) A NONACCREDITED HOSPITAL, SHALL BE SUBJECT TO INSPECTION  
28 BY THE DEPARTMENT FOR:

29 (I) A COMPLAINT INVESTIGATION IN ACCORDANCE WITH § 19-309  
30 OF THIS SUBTITLE;

31 (II) REVIEWING COMPLIANCE WITH LICENSURE REQUIREMENTS  
32 FOR RISK MANAGEMENT, UTILIZATION REVIEW, AND PHYSICIAN CREDENTIALING  
33 UNDER § 19-319 OF THIS SUBTITLE; OR

34 (III) FOR REVIEWING COMPLIANCE WITH OTHER STANDARDS  
35 ADOPTED UNDER THIS SUBTITLE.

36 [(6)] (5) The part of a building that contains part of a hospital or related  
37 institution and any outbuilding are considered part of the facility and are subject to  
38 inspection to determine occupancy status for licensing purposes.

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1                    [(7)] (6) Subject to § 2-1312 of the State Government Article, during each  
2 regular session of the General Assembly, the Department shall submit to the General  
3 Assembly a report on the inspections.

4                    [(8)] (7) (i) An employee of the Department may not inform a hospital or  
5 related institution of any proposed inspection activity, unless the chief of the employee's  
6 division directs the employee to do so.

7                    (ii) An employee who violates any provision of this paragraph is guilty  
8 of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or  
9 imprisonment not exceeding 1 year or both.

10                  SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 July 1, 1996.