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HB 1053/96 - ENV

1997 Regular Session
7r0557

By: Chairman, Finance Committee (Departmental - Health and Mental Hygiene)

Introduced and read first time: January 27, 1997

Rule 32(e) suspended

Assigned to: Finance

A BILL ENTITLED

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, assisted
4 living programs, and nonaccredited hospitals; and generally relating to standards
5 and inspections of hospitals and related institutions.

6 BY repealing and reenacting, with amendments,
7 Article - Health - General
8 Section 19-308(b)
9 Annotated Code of Maryland
10 (1996 Replacement Volume and 1996 Supplement)

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

13 **Article - Health - General**

14 19-308.

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

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

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

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

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

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

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

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

10 (3) When conducting an inspection of an accredited hospital UNDER
11 SUBSECTION (B)(2)(III) OF THIS SECTION, OR WHEN CONDUCTING A COMPLAINT
12 INVESTIGATION IN AN ACCREDITED HOSPITAL, the Department shall use the current
13 standards of the Joint Commission on Accreditation of Health Care Organizations.

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

20 (5) At least 2 inspections a year of each related institution shall be
21 unannounced.]

22 (4) AN UNACCREDITED HOSPITAL SHALL BE SUBJECT TO INSPECTION
23 BY THE DEPARTMENT FOR:

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

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

29 (III) REVIEWING COMPLIANCE WITH OTHER STANDARDS ADOPTED
30 UNDER THIS SUBTITLE.

31 [(6)] (5) The part of a building that contains part of a hospital or related
32 institution and any outbuilding are considered part of the facility and are subject to
33 inspection to determine occupancy status for licensing purposes.

34 [(7)] (6) Subject to § 2-1312 of the State Government Article, during each
35 regular session of the General Assembly, the Department shall submit to the General
36 Assembly a report on the inspections.

37 [(8)] (7) (i) An employee of the Department may not inform a hospital or
38 related institution of any proposed inspection activity, unless the chief of the employee's
39 division directs the employee to do so.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 1997.