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By: **Delegate Hubbard**

Introduced and read first time: March 1, 1999

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Home Health Agencies - Authority of Secretary of Health and Mental**  
3                                   **Hygiene - Repeal of Termination Date**

4 FOR the purpose of repealing a certain termination date concerning certain  
5 regulatory authority of the Department of Health and Mental Hygiene  
6 concerning home health agencies; and generally relating to the continuation of  
7 certain regulatory authority concerning home health agencies.

8 BY repealing and reenacting, without amendments,  
9 Article - Health - General  
10 Section 19-404  
11 Annotated Code of Maryland  
12 (1996 Replacement Volume and 1998 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Chapter 432 of the Acts of the General Assembly of 1994  
15 Section 3

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

18                                   **Article - Health - General**

19 19-404.

20 (a) The Department shall adopt rules and regulations that set standards for  
21 the care, treatment, health, safety, welfare, and comfort of patients of home health  
22 agencies.

23 (b) The rules and regulations shall provide for the licensing of home health  
24 agencies and annual license renewal, and shall establish standards that require as a  
25 minimum, that all home health agencies:

1           (1)     Within 10 days of acceptance of a patient for skilled care, make and  
2 record all reasonable efforts to contact a physician to obtain the signed order required  
3 under paragraph (2);

4           (2)     That accept patients for skilled care do so only on the signed order of  
5 a physician obtained within 28 days after acceptance;

6           (3)     Adopt procedures for the administration of drugs and biologicals;

7           (4)     Maintain clinical records on all patients accepted for skilled care;

8           (5)     Establish patient care policies and personnel policies;

9           (6)     Have services available at least 8 hours a day, 5 days a week, and  
10 available on an emergency basis 24 hours a day, 7 days a week;

11          (7)     Make service available to an individual in need within 24 hours of a  
12 referral when stipulated by a physician's order;

13          (8)     Have a designated supervisor of patient care who is a full-time  
14 employee of the agency and is available at all times during operating hours and  
15 additionally as needed; and

16          (9)     Have as the administrator of the agency a person who has at least 1  
17 year of supervisory experience in hospital management, home health management, or  
18 public health program management and who is:

19                   (i)     A licensed physician;

20                   (ii)    A registered nurse; or

21                   (iii)   A college graduate with a bachelor's degree in a health-related  
22 field.

23   (c)     The rules and regulations may include provisions that:

24           (1)     Deal with the establishment of home health agencies;

25           (2)     Require each home health agency to have its policies established by a  
26 professional group that includes at least:

27                   (i)     1 physician;

28                   (ii)    1 registered nurse;

29                   (iii)   1 representative of another offered service; and

30                   (iv)    1 public member;

31           (3)     Govern the services provided by the home health agencies;

1 (4) Require keeping clinical records of each patient, including the plan of  
2 treatment to be provided;

3 (5) Govern supervision of the services, as appropriate, by:

4 (i) A physician;

5 (ii) A registered nurse; or

6 (iii) Another health professional who is qualified sufficiently by  
7 advanced training to supervise the same kind of services in a hospital; and

8 (6) Require submission of an annual report which includes service  
9 utilization statistics.

10 (d) (1) A home health agency accredited by an organization approved by the  
11 Secretary shall be deemed to meet State licensing regulations.

12 (2) (i) The home health agency shall submit the report of the  
13 accreditation organization to the Secretary within 30 days of its receipt.

14 (ii) All reports submitted under this paragraph shall be available  
15 for public inspection.

16 (3) The Secretary may:

17 (i) Inspect the home health agency for the purpose of a complaint  
18 investigation;

19 (ii) Inspect the home health agency to follow up on a serious  
20 problem identified in an accreditation organization's report; and

21 (iii) Annually, conduct a survey of up to 5 percent of all home health  
22 agencies in the State to validate the findings of an accreditation organization's report.

23 (e) The provisions of this section do not waive the requirement for a home  
24 health agency to obtain a certificate of need.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
26 read as follows:

27 **Chapter 432 of the Acts of 1994**

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 1994. [It shall remain effective for a period of 5 years and, at the end of  
30 September 30, 1999, with no further action required by the General Assembly, this  
31 Act shall be abrogated and of no further force and effect.]

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 1999.