

SENATE BILL 714

Unofficial Copy  
J1

1999 Regular Session  
9lr2395

---

By: **Senator Collins**  
Introduced and read first time: February 22, 1999  
Assigned to: Rules  
Re-referred to: Finance, February 25, 1999

---

Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 29, 1999

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Secretary of Health and Mental Hygiene Findings Disciplinary or~~  
3 ~~Regulatory Action Notice to Interested Persons~~  
4 ~~Nursing Home Comparative Evaluation System~~

5 ~~FOR the purpose of requiring the Secretary of Health and Mental Hygiene to provide~~  
6 ~~written notice to certain persons if the Secretary finds that an entity or person~~  
7 ~~has violated certain statutory provisions or takes disciplinary or regulatory~~  
8 ~~action against a person who has violated certain statutory provisions; requiring~~  
9 ~~certain persons to pay the cost of the notice; providing that the notice shall be~~  
10 ~~forwarded by the Secretary or, at the discretion of the Secretary, by the person~~  
11 ~~who has violated the statutory provision in the manner prescribed by the~~  
12 ~~Secretary; and generally relating to the duties of the Secretary of Health and~~  
13 ~~Mental Hygiene.~~

14 FOR the purpose of requiring the Department of Health and Mental Hygiene, in  
15 consultation with the Health Care Access and Cost Commission, to develop a  
16 system to comparatively evaluate nursing facility quality of care and  
17 performance on an objective basis and to annually publish certain summary  
18 findings; establishing the purpose of the comparative evaluation system;  
19 requiring the Department to consider a certain factor in developing the system;  
20 requiring the system to solicit certain information under certain circumstances;  
21 authorizing the Department to adopt certain regulations; requiring a certain  
22 report on or before a certain date; and generally relating to nursing facility  
23 quality of care and performance.

24 BY adding to

1 Article - Health - General  
 2 ~~Section 24-430~~  
 3 Section 19-380 to be under the new part "Part X. Nursing Home Comparative  
 4 Evaluation System"  
 5 Annotated Code of Maryland  
 6 (1996 Replacement Volume and 1998 Supplement)

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

9 **Article - Health - General**

10 ~~24-430.~~

11 ~~(A) IF THE SECRETARY FINDS THAT AN ENTITY OR PERSON HAS VIOLATED A~~  
 12 ~~PROVISION OF THIS ARTICLE OR TAKES ANY DISCIPLINARY OR REGULATORY ACTION~~  
 13 ~~AGAINST AN ENTITY OR PERSON WHO HAS VIOLATED A PROVISION OF THIS ARTICLE,~~  
 14 ~~THE SECRETARY SHALL PROVIDE WRITTEN NOTICE OF THE FINDING OR ACTION TO:~~

15 ~~(1) ANY PERSON WHOSE CARE, TREATMENT, OR CIRCUMSTANCES GAVE~~  
 16 ~~RISE TO THE FINDING OR ACTION OR THAT PERSON'S LEGAL REPRESENTATIVE;~~

17 ~~(2) ANY PERSON WHO HAS BEEN ADVERSELY AFFECTED BY THE~~  
 18 ~~CONDUCT OR CONDITION CONSTITUTING THE VIOLATION OR THAT PERSON'S LEGAL~~  
 19 ~~REPRESENTATIVE; AND~~

20 ~~(3) THE ATTENDING PHYSICIAN OR OTHER HEALTH CARE PROVIDER~~  
 21 ~~FOR ANY PERSON IDENTIFIED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.~~

22 ~~(B) AN ENTITY OR PERSON WHO VIOLATES A PROVISION OF THIS ARTICLE~~  
 23 ~~SHALL PAY THE COST OF PROVIDING THE WRITTEN NOTICE REQUIRED UNDER~~  
 24 ~~SUBSECTION (A) OF THIS SECTION.~~

25 ~~(C) THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS~~  
 26 ~~SECTION SHALL BE FORWARDED:~~

27 ~~(1) BY THE SECRETARY; OR~~

28 ~~(2) AT THE DISCRETION OF THE SECRETARY, BY THE ENTITY OR PERSON~~  
 29 ~~WHO VIOLATES A PROVISION OF THIS ARTICLE IN THE MANNER PRESCRIBED BY THE~~  
 30 ~~SECRETARY.~~

31 PART X. NURSING HOME COMPARATIVE EVALUATION SYSTEM.

32 19-380.

33 (A) IN THIS SECTION "NURSING FACILITY" HAS THE MEANING STATED IN §  
 34 19-1401 OF THIS ARTICLE.

1 (B) (1) THE DEPARTMENT, IN CONSULTATION WITH THE HEALTH CARE  
2 ACCESS AND COST COMMISSION, SHALL:

3 (I) ON OR BEFORE JULY 1, 2001, DEVELOP AND IMPLEMENT A  
4 SYSTEM TO COMPARATIVELY EVALUATE THE QUALITY OF CARE AND PERFORMANCE  
5 OF NURSING FACILITIES ON AN OBJECTIVE BASIS; AND

6 (II) ANNUALLY PUBLISH THE SUMMARY FINDINGS OF THE  
7 EVALUATION.

8 (2) (I) THE PURPOSE OF THE COMPARATIVE EVALUATION SYSTEM  
9 ESTABLISHED UNDER THIS SECTION IS TO IMPROVE THE QUALITY OF CARE  
10 PROVIDED BY NURSING FACILITIES BY ESTABLISHING A COMMON SET OF  
11 PERFORMANCE MEASURES AND DISSEMINATING THE FINDINGS OF THE  
12 COMPARATIVE EVALUATION TO NURSING FACILITIES, CONSUMERS, AND OTHER  
13 INTERESTED PARTIES.

14 (II) IN DEVELOPING THE COMPARATIVE EVALUATION SYSTEM, THE  
15 DEPARTMENT SHALL CONSIDER THE HEALTH STATUS OF THE POPULATION SERVED.

16 (3) THE SYSTEM, AS APPROPRIATE, SHALL SOLICIT PERFORMANCE  
17 INFORMATION FROM CONSUMERS AND THEIR FAMILIES.

18 (4) THE DEPARTMENT MAY ADOPT REGULATIONS TO ESTABLISH THE  
19 COMPARATIVE EVALUATION SYSTEM PROVIDED UNDER THIS SECTION.

20 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,  
21 2001, the Department shall report to the Governor and, subject to § 2-1246 of the  
22 State Government Article, to the General Assembly on the nursing facility  
23 comparative evaluation system required by this Act.

24 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take  
25 effect October 1, 1999.