

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL NO. 747

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Guns" and substitute "Guns, Stern, Morhaim, Frush, Hubbard, Elliott, Schisler, Sher, Redmer, Mohorovic, Cane, Oaks, and Stull".

AMENDMENT NO. 2

On page 1, in line 3, strike "as a condition of licensure" and substitute "by a certain date"; in the same line, after "establish" insert "and implement"; in line 6, strike "employ a quality assurance nurse" and substitute "designate a qualified individual"; in line 7, strike "and a medical director"; in the same line after the semicolon, insert "requiring the designation of a medical director,"; in line 10, after "Hygiene" insert ", in consultation with certain entities,"; in line 11, after "home;" insert "prohibiting the Secretary of Health and Mental Hygiene from requiring the disclosure of certain records and reports; authorizing the Department of Health and Mental Hygiene to impose certain sanctions under certain circumstances; requiring each nursing home to display certain notice;"; strike beginning with "requiring" in line 11 down through "accountability;" in line 12; and strike beginning with "in" in line 17 down through "funds" in line 18 and substitute "under certain circumstances".

AMENDMENT NO. 3

On page 2, after line 13, insert:

"(C) "CONCURRENT REVIEW" MEANS A DAILY REVIEW OF EACH RESIDENT BY A LICENSED NURSE THAT EVALUATES INDICATORS AND DATA SUCH AS MEDICATION ADMINISTRATION, LABORATORY VALUES, DEHYDRATION AND MALNUTRITION, NUTRITIONAL STATUS AND WEIGHT LOSS OR GAIN, SKIN BREAKDOWN, ACCIDENTS AND INJURIES, CHANGES IN MENTAL OR

(Over)

PSYCHOLOGICAL STATUS, AND OVERALL CARE OF THE RESIDENT.”;

and in lines 14, 27, 34, and 37, strike “(C)”, “(d)”, “(E)”, and “(F)”, respectively, and substitute “(D)”, “(E)”, “(F)”, and “(G)”, respectively.

On page 3, in lines 7 and 12, respectively, strike “(G)” and “(H)”, respectively, and substitute “(H)” and “(I)”, respectively.

AMENDMENT NO. 4

On page 7, in line 16, strike “IN ORDER TO QUALIFY FOR A LICENSE OR RENEWAL LICENSE” and substitute “BY JANUARY 1, 2001”; in line 17, after “DEVELOP” insert “AND IMPLEMENT”; strike beginning with “EMPLOY” in line 18 down through “HOME” in line 21 and substitute “DESIGNATE A QUALIFIED INDIVIDUAL TO COORDINATE AND MANAGE THE NURSING HOME’S QUALITY ASSURANCE PROGRAM”; and strike in their entirety lines 27 through 29, inclusive, and substitute:

“(IV) A SOCIAL WORKER;

(V) A LICENSED DIETICIAN; AND

(VI) A GERIATRIC NURSING ASSISTANT.”.

AMENDMENT NO. 5

On page 7, in line 33, strike “AND”.

On page 8, in line 2, strike the period and substitute “; AND

(IV) PREPARE MONTHLY REPORTS THAT SHALL BE PRESENTED TO THE OMBUDSMAN, THE RESIDENT’S COUNCIL, AND THE FAMILY COUNCIL.”.

AMENDMENT NO. 6

On page 8, strike beginning with “INCLUDES” in line 10 down through “REPORTS” in line 13 and substitute “PROVIDES CRITERIA THAT ROUTINELY MONITORS NURSING CARE INCLUDING MEDICATION ADMINISTRATION, PREVENTION OF DECUBITUS

ULCERS, DEHYDRATION AND MALNUTRITION, NUTRITIONAL STATUS AND WEIGHT LOSS OR GAIN, ACCIDENTS AND INJURIES, UNEXPECTED DEATHS, CHANGES IN MENTAL OR PSYCHOLOGICAL STATUS, AND ANY OTHER DATA NECESSARY TO MONITOR QUALITY OF CARE”.

AMENDMENT NO. 7

On page 8, after line 22, insert:

“(8) THE SECRETARY MAY NOT REQUIRE THE QUALITY ASSURANCE COMMITTEE TO DISCLOSE THE RECORDS AND THE REPORTS PREPARED BY THE COMMITTEE EXCEPT AS NECESSARY TO ASSURE COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION.

(9) IF THE DEPARTMENT DETERMINES THAT A NURSING HOME IS NOT IMPLEMENTING ITS QUALITY ASSURANCE PROGRAM EFFECTIVELY AND THAT QUALITY ASSURANCE ACTIVITIES ARE INADEQUATE, THE DEPARTMENT MAY IMPOSE APPROPRIATE SANCTIONS ON THE NURSING HOME TO IMPROVE QUALITY ASSURANCE INCLUDING MANDATED EMPLOYMENT OF SPECIFIED QUALITY ASSURANCE PERSONNEL.

(C) (1) EACH NURSING HOME SHALL DISPLAY ON EACH FLOOR OF THE NURSING HOME A NOTICE THAT EXPLAINS THE CURRENT RATIO OF LICENSED PERSONNEL TO RESIDENTS AND UNLICENCED PERSONNEL TO RESIDENTS.

(2) THE NOTICE SHALL BE:

(I) POSTED IN A LOCATION THAT IS VISIBLE AND ACCESSIBLE TO RESIDENTS AND THEIR FAMILY OR GUARDIANS AND ANY POTENTIAL CONSUMERS; AND

(II) ON A FORM PROVIDED BY THE DEPARTMENT.”.

AMENDMENT NO. 8

(Over)

On page 8, in line 24, strike "EMPLOY A" and substitute "DESIGNATE A PHYSICIAN TO SERVE AS"; and in line 30, after "SECRETARY" insert ", IN CONSULTATION WITH THE MEDICAL AND CHIRURGICAL FACULTY, AND REPRESENTATIVES OF THE NURSING HOME INDUSTRY,".

On page 9, in line 1, strike "MEDICAL STAFF OF NURSING HOMES" and substitute "ATTENDING PHYSICIANS WHO TREAT RESIDENTS OF NURSING HOMES"; and in line 2, strike "STAFF" and substitute "PHYSICIAN".

AMENDMENT NO. 9

On page 9, strike in their entirety lines 18 through 22, inclusive, and substitute:

"(2) PROVIDE A 30-DAY NOTICE TO RESIDENTS AND THEIR FAMILIES OR GUARDIANS PRIOR TO CLOSURE OF THE NURSING HOME UNLESS DEPARTMENT WAIVES THE NOTICE REQUIREMENT;

(3) PROVIDE A 15-DAY NOTICE TO RESIDENTS AND THEIR FAMILIES OR GUARDIANS PRIOR TO TERMINATION OF PUBLIC FUNDING UNLESS THE DEPARTMENT WAIVES THE NOTICE REQUIREMENT; AND

(4) IMMEDIATELY NOTIFY, IF KNOWN, A RESIDENT'S FAMILY OR GUARDIAN OF:

(I) AN ACCIDENT INVOLVING THE RESIDENT WHICH RESULTS IN INJURY AND HAS THE POTENTIAL FOR REQUIRING PHYSICIAN INTERVENTION;

(II) A SIGNIFICANT CHANGE IN THE RESIDENT'S PHYSICAL, MENTAL, OR PSYCHOSOCIAL STATUS; OR

(III) A NEED TO ALTER THE RESIDENT'S TREATMENT SIGNIFICANTLY.".

AMENDMENT NO. 10

On page 9, in line 25, strike "A POTENTIAL LICENSEE" and substitute "AN APPLICANT FOR A LICENSE OR MANAGEMENT FIRM UNDER CONTRACT WITH AN APPLICANT FOR A LICENSE"; and in the same line, after "APPLICANT" insert "OR MANAGEMENT FIRM".