

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 689

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert "repealing certain provisions of law relating to notice requirements and appeals; authorizing the Department of Health and Mental Hygiene to appoint an independent monitor for certain purposes; establishing a Health Care Quality Account;"; in line 11, strike "through 19-1407" and substitute "and 19-1405"; in line 17, after "19-1403," insert "19-1406, 19-1407,"; and in line 22, strike "19-1407" and substitute "19-1405 and 19-1406".

AMENDMENT NO. 2

On page 2, in line 28, strike "RECURRENCE OF DEFICIENCIES AFTER" and substitute "OCCURRENCE OF ANY POTENTIAL FOR MORE THAN MINIMAL HARM OR GREATER DEFICIENCY ON"; in lines 15 and 31, in each instance, after "FOR" insert "MORE THAN MINIMAL"; and in line 33, strike "RESULTS IN MINIMAL DISCOMFORT TO A RESIDENT OR".

AMENDMENT NO. 3

On page 3, in line 14, after "MONITOR" insert "SUBJECT TO § 19-1405 OF THIS SUBTITLE"; and in line 30, strike "Such other factors as justice may require" and substitute "A NURSING HOME'S PRIOR HISTORY OF COMPLIANCE".

AMENDMENT NO. 4

On page 5, in line 6, after "POTENTIAL" insert "FOR MORE THAN MINIMAL"; in lines 8 and 18, in each instance, strike "AND" and substitute "OR"; in lines 9 and 19, in each instance, after "DAY" insert "FOR AN ONGOING PATTERN OF DEFICIENCIES"; and in line 14, strike "DAY," and substitute "DAY".

AMENDMENT NO. 5

On pages 6 and 7, strike in their entirety the lines beginning with line 3 on page 6 through

(Over)

line 15 on page 7, inclusive, and substitute:

“(A) THE DEPARTMENT IS AUTHORIZED TO APPOINT AN INDEPENDENT MONITOR TO OVERSEE EFFORTS MADE BY A NURSING HOME TO ACHIEVE COMPLIANCE WITH STATE AND FEDERAL REGULATIONS FOR NURSING HOMES THAT PARTICIPATE IN THE MEDICARE AND MEDICAID PROGRAMS.

(B) THE APPOINTMENT OF A STATE MONITOR IS AN INTERMEDIATE SANCTION THAT MAY BE IN ADDITION TO OR IN LIEU OF OTHER SANCTIONS.

(C) THE STATE MONITOR’S DUTIES MAY INCLUDE:

(1) PERIODIC INSPECTIONS OF A NURSING HOME FOR THE PURPOSE OF ASSESSING THE NURSING HOME’S COMPLIANCE WITH STATE AND FEDERAL REGULATIONS; AND

(2) REPORTING FINDINGS TO THE DEPARTMENT AND THE NURSING HOME.

(D) THE STATE MONITOR MAY NOT BE AN EMPLOYEE OF THE DEPARTMENT.

(E) A NURSING HOME SHALL BE RESPONSIBLE FOR THE COSTS ASSOCIATED WITH THE APPOINTMENT OF A STATE MONITOR TO THE NURSING HOME.

19-1406.”.

#### AMENDMENT NO. 6

On page 8, in line 1, after “(C)” insert “(1)”; after line 3, insert:

“(2) THE SECRETARY SHALL HAVE THE BURDEN OF PROOF WITH RESPECT TO THE IMPOSITION OF CIVIL MONEY PENALTIES UNDER § 19-1404 OF THIS SUBTITLE.

(3) A DECISION SHALL BE RENDERED BY THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 10 WORKING DAYS OF THE HEARING.

(D) A NURSING HOME IS ENTITLED TO A 40% REDUCTION IN THE AMOUNT OF THE CIVIL MONEY PENALTY IF IT WAIVES ITS RIGHT TO A HEARING WITHIN 30 DAYS OF THE DEPARTMENT'S ORDER.”;

and strike in their entirety lines 4 through 6, inclusive, and substitute:

“19-1407.

(A) (1) THERE IS A HEALTH CARE QUALITY ACCOUNT ESTABLISHED IN THE DEPARTMENT.

(2) THE ACCOUNT SHALL BE FUNDED BY CIVIL MONEY PENALTIES PAID BY NURSING HOMES AND OTHER PENALTIES THAT THE OFFICE OF HEALTH CARE QUALITY MAY ASSESS.

(3) THE DEPARTMENT SHALL PAY ALL PENALTIES COLLECTED UNDER THIS TITLE TO THE COMPTROLLER OF THE STATE.

(4) THE COMPTROLLER SHALL DISTRIBUTE THE FUNDS COLLECTED UNDER THIS TITLE TO THE HEALTH CARE QUALITY ACCOUNT.

(5) THE FUND IS A CONTINUING NONLAPSING FUND, NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(6) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED OR REVERTED TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND TO BE USED FOR THE PURPOSES SPECIFIED IN THIS SECTION.

(B) THE HEALTH CARE QUALITY ACCOUNT SHALL BE USED FOR TRAINING, GRANT AWARDS, DEMONSTRATION PROJECTS, OR OTHER PURPOSES DESIGNED TO IMPROVE THE QUALITY OF CARE.

(C) THE DEPARTMENT SHALL ADOPT REGULATIONS FOR THE DISTRIBUTION OF FUNDS FROM THE HEALTH CARE QUALITY ACCOUNT.”.

(Over)

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