

HOUSE BILL 748

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2000 Regular Session
0lr1242
CF 0lr1243

By: **Delegates Hammen, Boutin, Klausmeier, Nathan-Pulliam, ~~and Guns~~
Guns, Stern, Redmer, Hubbard, Elliott, Schisler, Frush, Stull, Morhaim,
Cane, and Mohorovic**

Introduced and read first time: February 10, 2000
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 21, 2000

CHAPTER _____

1 AN ACT concerning

2 **Nursing Homes - Quality of Care Oversight**

3 FOR the purpose of establishing an Oversight Committee on Quality of Care in
4 Nursing Homes; specifying the membership of the Oversight Committee;
5 specifying the duties of the Oversight Committee; requiring the Office of Health
6 Care Quality of the Department of Health and Mental Hygiene to report to the
7 Oversight Committee twice annually; requiring the Oversight Committee to
8 make certain recommendations and to take into account and examine certain
9 issues; requiring the Secretary of the Department of Aging to chair the
10 Oversight Committee; requiring the Deputy Secretary of Health Care Financing
11 to report annually to the Oversight Committee; requiring the Department of
12 Aging to provide staff support for the Oversight Committee; requiring the
13 Oversight Committee to submit a certain report to the Governor and General
14 Assembly on or before a certain date; providing for the termination of the
15 Oversight Committee; and generally relating to the Oversight Committee on
16 Quality of Care in Nursing Homes.

17 BY adding to
18 Article - Health - General
19 Section 19-1410 to be under the amended subtitle "Subtitle 14. Nursing Homes"
20 Annotated Code of Maryland
21 (1996 Replacement Volume and 1999 Supplement)

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

1 **Article - Health - General**

2 Subtitle 14. Nursing Homes [- Civil Money Penalties].

3 19-1410.

4 (A) THERE IS AN OVERSIGHT COMMITTEE ON QUALITY OF CARE IN NURSING
5 HOMES.6 (B) THE OVERSIGHT COMMITTEE SHALL CONSIST OF THE FOLLOWING
7 MEMBERS:8 (1) TWO MEMBERS OF THE SENATE FINANCE COMMITTEE, APPOINTED
9 BY THE PRESIDENT OF THE SENATE;10 (2) TWO MEMBERS OF THE SENATE ECONOMIC AND ENVIRONMENTAL
11 AFFAIRS COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;12 (3) FOUR MEMBERS OF THE HOUSE ENVIRONMENTAL MATTERS
13 COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE;

14 (4) THE SECRETARY OF THE DEPARTMENT OF AGING;

15 (5) THE SECRETARY OF THE DEPARTMENT OF HEALTH AND MENTAL
16 HYGIENE, OR THE SECRETARY'S DESIGNEE; ~~AND~~17 (6) THREE REPRESENTATIVES OF AREA AGENCIES ON AGING,
18 APPOINTED BY THE SECRETARY OF AGING;19 (7) ONE REPRESENTATIVE FROM THE HEALTH FACILITIES ASSOCIATION
20 OF MARYLAND;21 (8) ONE REPRESENTATIVE FROM THE MID-ATLANTIC NON-PROFIT
22 HEALTH AND HOUSING ASSOCIATION;23 (9) ONE REPRESENTATIVE OF THE HOSPICE NETWORK OF MARYLAND;24 (10) ONE REPRESENTATIVE OF THE MARYLAND HOSPITAL ASSOCIATION;25 (11) ONE REPRESENTATIVE OF THE SERVICE EMPLOYEES
26 INTERNATIONAL UNION; AND27 (12) TWO CONSUMER MEMBERS APPOINTED BY THE GOVERNOR.

28 (C) THE SECRETARY OF AGING SHALL CHAIR THE OVERSIGHT COMMITTEE.

29 (D) THE OVERSIGHT COMMITTEE SHALL MONITOR AND EVALUATE
30 IMPLEMENTATION OF THE RECOMMENDATIONS OF THE TASK FORCE ON QUALITY OF
31 CARE IN NURSING FACILITIES, CREATED PURSUANT TO CHAPTERS 382 AND 383 OF
32 THE ACTS OF THE GENERAL ASSEMBLY OF 1999 AND RELEVANT LEGISLATION
33 ENACTED SUBSEQUENT TO THE RECOMMENDATIONS OF THE TASK FORCE.

1 (E) THE OVERSIGHT COMMITTEE SHALL EVALUATE THE PROGRESS IN
2 IMPROVING NURSING HOME CARE QUALITY STATEWIDE, INCLUDING
3 CONSIDERATION OF:

4 (1) QUALITY OF CARE STANDARDS FOR NURSING HOMES;

5 (2) STAFFING PATTERNS AND STAFFING STANDARDS;

6 (3) POLICIES AND PROCEDURES FOR INSPECTING NURSING HOMES AND
7 RESPONDING TO QUALITY OF CARE COMPLAINTS;

8 (4) A COMPARISON OF MARYLAND STANDARDS, POLICIES, AND
9 PROCEDURES TO THOSE IN OTHER STATES;

10 (5) THE LABOR POOL AVAILABLE TO FILL NURSING AND NURSING AIDE
11 JOBS; AND

12 (6) STATE FUNDING MECHANISMS FOR NURSING HOMES, INCLUDING
13 THE MEDICAID NURSING HOME REIMBURSEMENT SYSTEM, AND REGULATION OF
14 NURSING HOMES.

15 ~~(E)~~ (F) (1) THE OFFICE OF HEALTH CARE QUALITY IN THE DEPARTMENT
16 OF HEALTH AND MENTAL HYGIENE SHALL SUBMIT A REPORT TO THE OVERSIGHT
17 COMMITTEE TWICE ANNUALLY ON THE IMPLEMENTATION OF THE TASK FORCE
18 RECOMMENDATIONS AND THE STATUS OF QUALITY OF CARE IN NURSING HOMES.

19 (2) THE REPORTS SHALL BE SUBMITTED ON MARCH 1 AND SEPTEMBER 1
20 OF EACH YEAR.

21 (G) THE DEPUTY SECRETARY OF HEALTH CARE FINANCING SHALL REPORT
22 ANNUALLY TO THE OVERSIGHT COMMITTEE ON THE STATUS OF THE MEDICAID
23 NURSING HOME REIMBURSEMENT SYSTEM, WHICH SHALL INCLUDE BUT NOT BE
24 LIMITED TO:

25 (1) ELEMENTS OF THE EXISTING METHODOLOGY THAT ARE NO LONGER
26 RELEVANT;

27 (2) ELEMENTS OF THE EXISTING METHODOLOGY THAT CAN BE
28 REVISED;

29 (3) THE APPROPRIATENESS OF REDESIGNING THE SYSTEM GIVEN
30 CHANGING DEMOGRAPHICS OF THE TARGET POPULATION; AND

31 (4) GENERAL FUND AND FEDERAL FUND SAVINGS FROM A SYSTEM
32 REDESIGN THAT MAY BE REDIRECTED TO NURSING HOME STAFF DEVELOPMENT IN
33 THE NURSING COST CENTER.

34 ~~(F)~~ (H) THE OVERSIGHT COMMITTEE SHALL REVIEW THE REPORTS OF THE
35 OFFICE OF HEALTH CARE QUALITY AND THE DEPUTY SECRETARY OF HEALTH CARE

1 FINANCING AND DEVELOP RECOMMENDATIONS TO CONTINUE IMPROVEMENT IN
2 NURSING HOME CARE.

3 (I) THE OVERSIGHT COMMITTEE SHALL REPORT ITS FINDINGS AND
4 RECOMMENDATIONS TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
5 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1
6 OF EACH YEAR.

7 ~~(G)~~ (J) THE DEPARTMENT OF AGING, WITH ASSISTANCE FROM THE
8 DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE DEPARTMENT OF
9 LEGISLATIVE SERVICES, SHALL PROVIDE STAFF SUPPORT FOR THE OVERSIGHT
10 COMMITTEE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2000. It shall remain effective for a period of 5 years and 3 months and, at
13 the end of December 31, 2005, with no further action required by the General
14 Assembly, this Act shall be abrogated and of no further force and effect.