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By: **Senators Pinsky, Astle, Collins, Conway, Hollinger, Kelley, Sfikas, and Teitelbaum**

Introduced and read first time: February 2, 2001

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Facilities - Rules for Establishment of a Family Council - Violations**  
3 **and Penalties**

4 FOR the purpose of prohibiting certain nursing facilities from prohibiting the  
5 formation of a family council; establishing the duties of a certain nursing facility  
6 pertaining to a family council; authorizing visitors and facility staff to attend  
7 family council meetings under certain circumstances; establishing that certain  
8 behavior by a facility is a violation of this Act; establishing that a facility that  
9 does not comply with the requirements of this Act is in violation; authorizing the  
10 Secretary of Health and Mental Hygiene to impose a certain fine for a violation  
11 of this Act; requiring the Secretary to adopt certain regulations; defining a  
12 certain term; and generally relating to the establishment of a family council in  
13 certain nursing facilities.

14 BY adding to  
15 Article - Health - General  
16 Section 19-1410.1  
17 Annotated Code of Maryland  
18 (2000 Replacement Volume)

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

21 **Article - Health - General**

22 19-1410.1.

23 (A) IN THIS SECTION, "FAMILY COUNCIL" MEANS A MEETING OF FAMILY  
24 MEMBERS, FRIENDS, OR REPRESENTATIVES OF TWO OR MORE RESIDENTS OF A  
25 SKILLED NURSING FACILITY OR INTERMEDIATE CARE NURSING FACILITY WHO MEET  
26 IN PRIVATE TO CONFER WITHOUT FACILITY STAFF.

27 (B) (1) A LICENSED SKILLED NURSING FACILITY OR INTERMEDIATE CARE  
28 NURSING FACILITY MAY NOT PROHIBIT THE FORMATION OF A FAMILY COUNCIL.

1           (2)     AT THE INVITATION OF THE FAMILY COUNCIL, VISITORS OR  
2 FACILITY STAFF MAY ATTEND A MEETING OF THE FAMILY COUNCIL.

3           (3)     A FACILITY MAY NOT LIMIT THE RIGHT OF RESIDENTS, FAMILY  
4 MEMBERS, AND REPRESENTATIVES OF RESIDENTS TO MEET INDEPENDENTLY IN A  
5 FAMILY COUNCIL MEETING WITH INDIVIDUALS OR GROUPS FROM OUTSIDE THE  
6 FACILITY INCLUDING:

7                   (I)     MEMBERS OF NONPROFIT ORGANIZATIONS OR  
8 GOVERNMENTAL UNITS; OR

9                   (II)    FACILITY PERSONNEL DURING NONWORKING HOURS.

10       (C)     A FACILITY SHALL:

11           (1)     WHEN A MEETING IS REQUESTED BY A MEMBER OF A RESIDENT'S  
12 FAMILY OR A RESIDENT'S REPRESENTATIVE, PROVIDE A COMMON MEETING ROOM  
13 FOR THE FAMILY COUNCIL AT LEAST ONCE A MONTH DURING MUTUALLY AGREED  
14 UPON HOURS;

15           (2)     PROVIDE ADEQUATE SPACE ON A PROMINENTLY DISPLAYED  
16 BULLETIN BOARD FOR THE FAMILY COUNCIL TO POST:

17                   (I)     MEETING NOTICES;

18                   (II)    MINUTES OF PREVIOUS MEETINGS;

19                   (III)   NEWSLETTERS; OR

20                   (IV)   OTHER INFORMATION PERTAINING TO OPERATION OF THE  
21 FAMILY COUNCIL;

22           (3)     PROVIDE A DESIGNATED STAFF PERSON TO BE RESPONSIBLE FOR  
23 ASSISTING THE FAMILY COUNCIL AND RESPONDING TO WRITTEN REQUESTS FROM  
24 THE COUNCIL;

25           (4)     CONSIDER THE VIEWS OF THE FAMILY COUNCIL AND ACT UPON ANY  
26 GRIEVANCES AND RECOMMENDATIONS FROM THE FAMILY COUNCIL PERTAINING TO  
27 PROPOSED POLICY AND OPERATIONAL CHANGES AFFECTING THE CARE AND  
28 QUALITY OF LIFE OF RESIDENTS IN THE FACILITY;

29           (5)     RESPOND IN WRITING TO WRITTEN REQUESTS OR EXPRESSED  
30 CONCERNS OF THE FAMILY COUNCIL WITHIN 10 WORKING DAYS;

31           (6)     AT LEAST QUARTERLY, NOTIFY FAMILY MEMBERS AND  
32 REPRESENTATIVES OF RESIDENTS BY MAIL OF:

33                   (I)     THE TIME, PLACE, AND DATE OF THE FAMILY COUNCIL  
34 MEETINGS FOR THE NEXT QUARTER; AND

1 (II) THE NAME AND NUMBER OF A PERSON TO CONTACT FOR  
2 INFORMATION ABOUT PARTICIPATION IN THE FAMILY COUNCIL;

3 (7) PROVIDE INFORMATION ABOUT THE FAMILY COUNCIL TO THE  
4 FAMILY OR REPRESENTATIVE OF A NEW RESIDENT AS PART OF THE ADMISSION  
5 PROCEDURE; AND

6 (8) WITH WRITTEN PERMISSION FROM THE RESIDENT OR THE  
7 RESIDENT'S REPRESENTATIVE, PROVIDE THE FAMILY COUNCIL WITH THE NAME OF  
8 A NEW RESIDENT.

9 (D) A FACILITY IS IN VIOLATION OF THIS SECTION AND GUILTY OF WILLFUL  
10 INTERFERENCE WITH A FAMILY COUNCIL IF:

11 (1) THERE IS RETALIATION AGAINST A RESIDENT WHOSE FAMILY OR  
12 REPRESENTATIVE PARTICIPATES IN A FAMILY COUNCIL; OR

13 (2) THE FACILITY WILLFULLY SCHEDULES FACILITY EVENTS IN  
14 CONFLICT WITH A FAMILY COUNCIL MEETING.

15 (E) A VIOLATION OF THIS SECTION BY A FACILITY IS A VIOLATION OF THE  
16 RIGHTS OF THE RESIDENTS OF THE FACILITY.

17 (F) THE SECRETARY MAY ASSESS AN ADMINISTRATIVE FINE OF NOT MORE  
18 THAN \$100 PER DAY FOR EACH DAY THAT A FACILITY IS IN VIOLATION OF THIS  
19 SECTION.

20 (G) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE  
21 PROVISIONS OF THIS SECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2001.