

**Department of Legislative Services**  
Maryland General Assembly  
2001 Session

**FISCAL NOTE**

Senate Bill 436  
Finance

(Senator Pinsky, *et al.*)

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

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This bill prohibits a licensed skilled nursing facility or intermediate care nursing facility from prohibiting the formation of a family council.

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**Fiscal Summary**

**State Effect:** Because federal law already requires most nursing homes to permit family councils, the administrative penalty provisions of this bill are not expected to significantly affect State finances or operations.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A facility cannot limit the right of residents, family members, or residents' representatives from gathering independently in a family council meeting with individuals or groups from outside the facility, including: (1) members of nonprofit organizations or governmental units; or (2) facility personnel during nonworking hours. A facility must: (1) provide, upon request, a common meeting room for the family council to meet at least once a month; (2) provide adequate space on a prominently displayed bulletin board for the family council to post meeting notices or other information pertaining to the operation of the family council; (3) provide a designated staff person to be responsible for assisting the family council and responding to written requests from the council; (4) consider the view of the family council and act upon any

grievances and recommendations from the council pertaining to proposed policy and operational changes affecting the care and quality of life or residents in the facility; (5) respond in writing to written requests or expressed concerns of the council within ten working days; (6) at least quarterly, notify family members and representatives of a resident by mail of the time, date, and place of family council meetings and the name and telephone number of a contact person; (7) provide information about the council to the family or representative of a new resident; and (8) with written permission from the resident, provide the family council with the name of a new resident.

A facility is in violation of the bill's requirements and guilty of willful interference with a family council if there is retaliation against a resident whose family or representative participates in a family council or the facility willfully schedules facility events in conflict with a family council meeting. The Secretary of the Department of Health and Mental Hygiene (DHMH) may assess an administrative fine of not more than \$100 per day for each day a facility is in violation of the bill's requirements. DHMH must adopt regulations to implement the provisions of the bill.

**Current Law:** The federal Nursing Home Reform Act of 1987 gives nursing home residents who reside in nursing facilities that receive Medicare or Medicaid funds and their families the right to participate in family councils.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene (Office of Health Care Quality, Board of Nursing), Department of Legislative Services

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