

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 550

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Hafer” and substitute “, Hafer, Middleton, Astle, Della, Exum, Gladden, Hooper, Kelley, Klausmeier, and Pipkin”; in line 2, after “Liability” insert “Reviews and”; strike beginning with “requiring” in line 3 down through “used;” in line 6 and substitute “requiring nursing homes that receive payment from the Medical Assistance Program to provide certain financial information to the Department of Health and Mental Hygiene on a quarterly basis; requiring the Department to conduct third party liability reviews of certain financial information of nursing homes that receive payment from the Medical Assistance Program;”; in line 6, strike “requiring” and substitute “authorizing”; in line 7, after “of” insert “a random sample of”; in line 8, after “Program;” insert “authorizing the Department to conduct third party liability audits of certain nursing homes under certain conditions;”; strike beginning with “requiring” in line 8 down through “boards;” in line 16; in line 17, after “audit” insert “within a certain time period; requiring a certain individual within the Department to conduct a certain review of a certain appeal by a nursing home and issue a certain report; authorizing a nursing home to appeal the results of a certain report to the Nursing Home Appeal Board within a certain time period”; strike beginning with “requiring” in line 17 down through “Account;” in line 18; in line 19, after “liability” insert “reviews and”; strike beginning with “requiring” in line 20 down through “residents;” in line 22; in line 25, after “liability” insert “reviews and”; and strike in their entirety lines 27 through 31, inclusive.

On page 2, in line 1, strike “19-14A-06” and substitute “19-14A-04”; and in line 2, after “Liability” insert “Reviews and”.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 8 on page 2 through line 6 on page 3, inclusive.

On page 3, in line 7, after “LIABILITY” insert “REVIEWS AND”; strike in their entirety

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lines 11 through 14, inclusive; in line 15, strike “(D)” and substitute “(B)”; in the same line, strike “CONTRACTOR” and substitute “THIRD PARTY LIABILITY AUDIT”; strike beginning with the second “THE” in line 15 down through “AND” in line 16; strike in their entirety lines 18 and 19; in lines 20, 22, and 31, strike “(F)”, “(G)”, and “(H)”, respectively, and substitute “(C)”, “(D)”, and “(E)”, respectively; and after line 34, insert:

“(F) “THIRD PARTY LIABILITY REVIEW” MEANS A FINANCIAL REVIEW OF THE CREDIT BALANCES OF A NURSING HOME TO ASCERTAIN THE LEGAL LIABILITY OF THIRD PARTIES TO PAY FOR CARE AND SERVICES AVAILABLE UNDER THE MEDICAL ASSISTANCE PROGRAM.”.

On page 4, after line 1, insert:

“(A) A NURSING HOME THAT RECEIVES PAYMENT FROM THE MEDICAL ASSISTANCE PROGRAM SHALL PROVIDE A REPORT OF THE CREDIT BALANCES OF THE NURSING HOME TO THE DEPARTMENT ON A QUARTERLY BASIS.”;

in line 2, strike “(A)” and substitute “(B)”; in the same line, strike “AUDIT” and substitute “REVIEW”; in the same line, after “OF” insert “THE REPORT OF THE CREDIT BALANCES PROVIDED UNDER SUBSECTION (A) OF THIS SECTION.”; strike lines 3 and 4 in their entirety; after line 4, insert:

“(C) THE DEPARTMENT MAY CONDUCT A THIRD PARTY LIABILITY AUDIT OF A RANDOM SAMPLE OF THE REPORTS OF CREDIT BALANCES REVIEWED UNDER SUBSECTION (B) OF THIS SECTION.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT MAY CONDUCT A THIRD PARTY LIABILITY AUDIT OF A NURSING HOME THAT IS FOUND TO BE NONCOMPLIANT AS A RESULT OF THE AUDIT CONDUCTED UNDER SUBSECTION (C) OF THIS SECTION.

(2) IN CONDUCTING THE THIRD PARTY LIABILITY AUDIT AUTHORIZED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT MAY ONLY REVIEW THE FINANCIAL INFORMATION OF THE NURSING HOME FOR THE 2-YEAR PERIOD IMMEDIATELY PRIOR TO THE DATE OF THE AUDIT PERIOD IN WHICH

THE NURSING HOME WAS FOUND TO BE NONCOMPLIANT.”;

and strike in their entirety lines 5 through 31, inclusive.

On page 5, in line 1, strike “19-14A-04.” and substitute “19-14A-03.”; strike in their entirety lines 2 through 16, inclusive; in line 17, strike “(D)” and substitute “(A)”; in line 18, after “THE” insert “DEPARTMENT”; strike beginning with “APPROPRIATE” in line 18 down through “BOARD” in line 19; in line 20, strike “OR ITS AGENT”; after line 20, insert:

“(B) AN INDIVIDUAL AT THE DEPARTMENT WHO DID NOT PARTICIPATE IN THE FINAL REPORT SHALL:

(1) REVIEW THE APPEAL AUTHORIZED UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) ISSUE A REPORT THAT EITHER REVISES OR CONCURS WITH THE FINAL REPORT OF THE THIRD PARTY LIABILITY AUDIT.

(C) A NURSING HOME MAY APPEAL THE RESULTS OF THE REPORT ISSUED BY THE DEPARTMENT UNDER SUBSECTION (B) OF THIS SECTION BY FILING WRITTEN NOTICE WITH THE NURSING HOME APPEAL BOARD WITHIN 30 DAYS OF RECEIPT OF THE REPORT.”;

strike in their entirety lines 21 through 25, inclusive; in line 26, strike “19-14A-06.” and substitute “19-14A-04.”; in line 29, strike the colon; in line 30, strike “(a)” and substitute “on or before December 1, 2003, the”; in the same line, strike “The”; and strike beginning with “conduct” in line 31 down through “process” in line 32 and substitute “submit a report to the Governor and, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on the status of measures implemented and considered by the Department of Health and Mental Hygiene and the Department of Human Resources to address and resolve issues relating to delays in the Medicaid eligibility process for nursing home residents”.

On pages 5 and 6, strike in their entirety the lines beginning with line 33 on page 5 through

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line 23 on page 6, inclusive.