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Introduced and read first time: February 7, 2003
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 4, 2003

CHAPTER _____

1 AN ACT concerning

2 **Task Force to Study the Regulation of Long-Term Care Providers**

3 FOR the purpose of establishing the Task Force to Study the Regulation of
4 Long-Term Care Providers; providing for the composition of the Task Force;
5 requiring the President of the Senate and the Speaker of the House to jointly
6 appoint co-chairs from among the Senate and the House members appointed to
7 the Task Force; providing for the staffing of the Task Force; prohibiting a
8 member from receiving certain compensation; authorizing a member of the Task
9 Force to receive certain reimbursement; authorizing the Task Force to contract
10 with experts, subject to the State budget; requiring the Task Force to review
11 certain licensing, renewal, and audit requirements for long-term care providers
12 and study certain issues relating to the regulation of long-term care providers;
13 requiring the Task Force to consult with certain groups; requiring the Task
14 Force to make certain recommendations; requiring the Task Force to report its
15 findings and recommendations to certain committees on or before certain dates;
16 providing for the termination of this Act; and generally relating to the Task
17 Force to Study the Regulation of Long-Term Care Providers.

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
19 MARYLAND, That:

20 (a) There is a Task Force to Study the Regulation of Long-Term Care
21 Providers.

22 (b) The Task Force consists of the following ~~13~~ 15 members:

- 1 (1) two members of the Senate of Maryland, appointed by the President
2 of the Senate;
- 3 (2) two members of the House of Delegates, appointed by the Speaker of
4 the House;
- 5 (3) the Secretary of Health and Mental Hygiene, or the Secretary's
6 designee;
- 7 (4) the Secretary of Aging, or the Secretary's designee;
- 8 (5) one representative from the Health Facilities Association of
9 Maryland, designated by the Health Facilities Association of Maryland;
- 10 (6) one representative from the Maryland Association of Adult Day Care
11 Centers, designated by the Maryland Association of Adult Day Care Centers;
- 12 (7) one representative from the Maryland Continuing Care Residents'
13 Association, designated by the Maryland Continuing Care Residents' Association;
- 14 (8) ~~one representative~~ two representatives from Mid-Atlantic LifeSpan,
15 at least one of whom is an assisted living provider licensed for less than 15 beds,
16 designated by Mid-Atlantic LifeSpan; ~~and~~
- 17 (9) one representative from the Maryland Medical Assistance Program,
18 appointed by the Secretary of the Department of Health and Mental Hygiene; and
- 19 ~~(9)~~ (10) three consumer members, appointed by the Governor.
- 20 (c) The President of the Senate and the Speaker of the House jointly shall
21 appoint co-chairs from among the Senate and the House members appointed to the
22 Task Force.
- 23 (d) The Department of Legislative Services shall provide staff for the Task
24 Force.
- 25 (e) A member of the Task Force:
- 26 (1) may not receive compensation; but
- 27 (2) is entitled to reimbursement for expenses under the Standard State
28 Travel Regulations, as provided in the State budget.
- 29 (f) The Task Force may contract with an expert, subject to the State budget, if
30 the services of an expert are required.
- 31 (g) The Task Force shall:
- 32 (1) review all licensing, renewal, and audit requirements for long-term
33 care providers, as established in law and regulation by State, local, and third-party
34 regulators;

1 (2) identify any duplicative regulatory requirements for long-term care
2 providers;

3 (3) quantify the resources required by the Department of Health and
4 Mental Hygiene and other State agencies, including contractors, to implement the
5 licensing, renewal, and auditing of long-term care providers;

6 (4) calculate the frequency at which licensing, renewal, and audit
7 requirements are completed by State and local agencies;

8 (5) calculate the average time period required for the completion of
9 licensing, renewal, and audit requirements by State and local agencies;

10 (6) review the mechanisms available to long-term care providers to
11 contest adverse findings in the licensing, renewal, and audit process, including the
12 use of informal provider dispute resolution;

13 (7) study the types of penalties assessed against each type of long-term
14 care provider;

15 (8) conduct an analysis of duplicative penalties for licensing or audit
16 violations and the consistency and effectiveness of the penalties and enforcement
17 actions;

18 (9) quantify the administrative resources required for providers to
19 comply with and respond to the required licensing, renewal, and audit processes;

20 (10) identify the current qualifications and training required of long-term
21 care surveyors;

22 (11) study the role of local governments in licensing and enforcing the
23 licensing, renewal, or audit of long-term care providers; and

24 (12) identify best practices for the regulation of long-term care providers
25 promoted by the long-term care industry or State, local, or national regulators.

26 (h) In carrying out the duties specified in subsection (g) of this section, the
27 Task Force shall consult with the:

28 (1) Legal Aid Bureau of Maryland;

29 (2) United Seniors of Maryland;

30 (3) Maryland Disability Law Center; and

31 (4) Alzheimer's Association, Maryland Chapter.

32 (h) (i) The Task Force shall make recommendations based on its study,
33 including regulatory revisions necessary to promote:

34 (1) the delivery of quality care;

- 1 (2) administrative efficiencies and reduced regulatory duplication;
- 2 (3) meaningful provider dispute resolution and appeal processes;
- 3 (4) effective communications between State and local agencies and
4 long-term care providers;
- 5 (5) consistency in audit findings;
- 6 (6) reasonable processes for penalties and sanctions against long-term
7 care providers;
- 8 (7) standardized training of long-term care surveyors to promote
9 consistent survey results;
- 10 (8) efficient coordination of State and local regulatory efforts; and
- 11 (9) best practices for the regulation of long-term care providers.

12 ~~(i)~~ (j) (1) The Task Force shall submit reports in accordance with
13 paragraph (2) of this subsection on its findings and recommendations, in accordance
14 with § 2-1246 of the State Government Article, to the Senate Finance Committee and
15 the House Health and Government Operations Committee.

16 (2) The Task Force shall submit an interim report on or before October 1,
17 2003 and a final report on or before January 1, 2004.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2003. It shall remain effective for a period of 1 year and, at the end of June 30,
20 2004, with no further action required by the General Assembly, this Act shall be
21 abrogated and of no further force and effect.