

HOUSE BILL 993

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HB 656/02 - ENV

2003 Regular Session
3r2417

By: **Delegate Costa**

Introduced and read first time: February 14, 2003

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes - Quality of Care - Assisted Living Services**

3 FOR the purpose of adding assisted living services to the Oversight Committee on
4 Quality of Care in Nursing Homes; adding a representative from the Maryland
5 Assisted Living Association to the Committee; requiring the Committee to
6 evaluate certain regulations on assisted living services; requiring the
7 Committee to make certain recommendations to improve quality of care by a
8 certain date; and generally relating to quality of care of assisted living services.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 19-1409
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2002 Supplement)

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

16 **Article - Health - General**

17 19-1409.

18 (a) There is an Oversight Committee on Quality of Care in Nursing Homes
19 AND ASSISTED LIVING PROGRAMS.

20 (b) The Oversight Committee shall consist of the following members:

21 (1) Two members of the Senate Finance Committee, appointed by the
22 President of the Senate;

23 (2) Two members of the Senate Economic and Environmental Affairs
24 Committee, appointed by the President of the Senate;

25 (3) Four members of the House Environmental Matters Committee,
26 appointed by the Speaker of the House;

- 1 (4) The Secretary of the Department of Aging;
- 2 (5) The Secretary of the Department of Health and Mental Hygiene, or
3 the Secretary's designee;
- 4 (6) Three representatives of area agencies on aging, appointed by the
5 Secretary of Aging;
- 6 (7) One representative from the Health Facilities Association of
7 Maryland;
- 8 (8) One representative from the Mid-Atlantic Non-Profit Health and
9 Housing Association;
- 10 (9) One representative of the Hospice Network of Maryland;
- 11 (10) One representative of the Maryland Hospital Association;
- 12 (11) One representative of the Service Employees International Union;
13 [and]
- 14 (12) Two consumer members appointed by the Governor; AND
- 15 (13) ONE REPRESENTATIVE OF THE MID-ATLANTIC LIFE SPAN
16 ASSOCIATION.

17 (c) The Secretary of Aging shall chair the Oversight Committee.

18 (d) The Oversight Committee shall monitor and evaluate implementation of
19 the recommendations of the Task Force on Quality of Care in Nursing Facilities,
20 created pursuant to Chapters 382 and 383 of the Acts of the General Assembly of 1999
21 and relevant legislation enacted subsequent to the recommendations of the Task
22 Force.

23 (e) The Oversight Committee shall evaluate the progress in improving
24 nursing home care quality statewide, including consideration of:

- 25 (1) Quality of care standards for nursing homes;
- 26 (2) Staffing patterns and staffing standards;
- 27 (3) Policies and procedures for inspecting nursing homes and responding
28 to quality of care complaints;
- 29 (4) A comparison of Maryland standards, policies, and procedures to
30 those in other states;
- 31 (5) The labor pool available to fill nursing and nursing aide jobs; and
- 32 (6) State funding mechanisms for nursing homes, including the Medicaid
33 Nursing Home Reimbursement System, and regulation of nursing homes.

1 (f) (1) The Office of Health Care Quality in the Department of Health and
2 Mental Hygiene shall submit a report to the Oversight Committee twice annually on
3 the implementation of the Task Force recommendations and the status of quality of
4 care in nursing homes.

5 (2) The reports shall be submitted on March 1 and September 1 of each
6 year.

7 (g) The Deputy Secretary of Health Care Financing shall report annually to
8 the Oversight Committee on the status of the Medicaid Nursing Home
9 Reimbursement System, which shall include but not be limited to:

10 (1) Elements of the existing methodology that are no longer relevant;

11 (2) Elements of the existing methodology that can be revised;

12 (3) The appropriateness of redesigning the system given changing
13 demographics of the target population; and

14 (4) General Fund and federal fund savings from a system redesign that
15 may be redirected to nursing home staff development in the nursing cost center.

16 (h) The Oversight Committee shall review the reports of the Office of Health
17 Care Quality and the Deputy Secretary of Health Care Financing and develop
18 recommendations to continue improvement in nursing home care.

19 (I) (1) THE OVERSIGHT COMMITTEE SHALL EVALUATE REGULATIONS ON
20 ASSISTED LIVING PROGRAMS AND SERVICES, INCLUDING THE:

21 (I) ADMINISTRATION OF MEDICATION;

22 (II) QUALIFICATIONS OF STAFF; AND

23 (III) NUMBER OF STAFF.

24 (2) BY FEBRUARY 2, 2004, THE OVERSIGHT COMMITTEE SHALL MAKE
25 RECOMMENDATIONS TO IMPROVE THE QUALITY OF CARE IN ASSISTED LIVING
26 SERVICES.

27 [(i)] (J) The Oversight Committee shall report its findings and
28 recommendations to the Governor and, subject to § 2-1246 of the State Government
29 Article, to the General Assembly on or before December 1 of each year.

30 [(j)] (K) The Department of Aging, with assistance from the Department of
31 Health and Mental Hygiene and the Department of Legislative Services, shall provide
32 staff support for the Oversight Committee.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
34 effect October 1, 2003.