

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

Senate Bill 77

(Senator Della)

Finance

Health and Government Operations

Nursing Homes and Assisted Living Facilities - Notice of Violations of Law to Affected Individuals

This bill requires the Secretary of Health and Mental Hygiene to provide written notice to specified persons when a nursing home or assisted living facility has violated a provision of the Health-General Article and a resident has been adversely affected by the care, treatment, circumstance, conduct, condition, or other ground for the violation.

Fiscal Summary

State Effect: The bill's requirements could be handled with existing Department of Health and Mental Hygiene (DHMH) and Department of Aging budgeted resources.

Local Effect: None.

Small Business Effect: Potential minimal. To the extent that small business facilities are required to pay for written notices, administrative expenditures could increase.

Analysis

Bill Summary: DHMH must provide written notice of the violation and the resulting disciplinary action against a nursing home to: (1) a resident who has been adversely affected by the care, treatment, circumstance, conduct, condition, or other ground for violation; (2) a family member of that resident; (3) that resident's legal representative; (4) that resident's attending physician; and (5) if there is no attending physician, any other health care provider responsible for the care of that resident.

The nursing home or assisted living facility that violates a provision of the Health-General Article must pay the cost of providing the written notice required by the bill.

DHMH may adopt regulations to implement the bill's requirements.

Current Law: There are no provisions requiring notification of residents, relatives, legal representatives, or health care providers of any violations committed by nursing homes or assisted living facilities. These types of health care facilities are regulated by DHMH's Office of Health Care Quality (OHCQ). Facilities found in violation of current law are subject to OHCQ's issuing a deficiency statement.

Background: There are approximately 245 nursing homes and 1,000 assisted living facilities in Maryland. Approximately 55% of deficiencies cited for nursing homes and assisted living facilities result from situations that have adversely affected residents.

State Fiscal Effect: The bill specifies that facilities cited for violations of the Health-General Article are responsible for paying the cost of required notices. Any costs associated with adopting regulations could be handled within existing DHMH budgeted resources.

The bill's provisions could generate additional inquiries or complaints under the Department of Aging's Long-term Care Ombudsman Program, which serves as advocate to residents of long-term care facilities, including nursing homes and assisted living facilities. Any additional complaints and inquiries could be handled with existing Department of Aging budgeted resources.

Additional Information

Prior Introductions: An identical bill, SB 188, was introduced in the 2002 session. It was reported unfavorably by the Senate Finance Committee.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Office of Health Care Quality, Board of Nursing, Boards and Commissions, Community Health Administration), Department of Aging, Department of Legislative Services

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