

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 297

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “Senator Della” and substitute “Senators Della, Middleton, Astle, Exum, Gladden, Hafer, Hooper, Kelley, Klausmeier, Pipkin, and Teitelbaum”.

AMENDMENT NO. 2

On page 1, in line 2, strike “Adverse Events” and substitute “Change in Condition”; in line 3, strike “a certain written notice” and substitute “certain notice concerning a certain change in the resident’s condition and care”; strike beginning with “if” in line 4 down through “way” in line 6 and substitute “and certain other persons under certain circumstances”; in line 6, strike “written”; in line 7, strike “a written” and substitute “the”; in line 8, strike “sent” and substitute “provided”; in the same line, strike “providing for certain administrative penalties” and substitute “requiring the Department of Health and Mental Hygiene to take certain action if it determines that a nursing home has failed to comply with the notice requirements of this Act”; in line 9, strike “certain terms” and substitute “a certain term”; in line 10, strike “adverse events” and substitute “certain changes in condition and care”; and strike in their entirety lines 13 and 14 and substitute “Section 19-1416”.

AMENDMENT NO. 3

On page 1, strike in its entirety line 20; and in line 21, strike “19-2101” and substitute “19-1416”.

AMENDMENT NO. 4

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 23 on page 2, inclusive, and substitute:

“(A) IN THIS SECTION, “CHANGE IN CONDITION” MEANS A SIGNIFICANT CHANGE IN THE RESIDENT’S PHYSICAL, MENTAL, OR PSYCHOLOGICAL STATUS INCLUDING:

(Over)

(1) LIFE-THREATENING CONDITIONS SUCH AS HEART ATTACK OR STROKE;

(2) CLINICAL COMPLICATIONS SUCH AS:

(I) DEVELOPMENT OF A PRESSURE SORE;

(II) ONSET OF RECURRENT PERIODS OF DELIRIUM;

(III) ONSET OF RECURRENT URINARY TRACT INFECTION;

(IV) ONSET OF DEPRESSION; OR

(V) ONSET OF AGGRESSIVE OR INAPPROPRIATE BEHAVIOR;

(3) THE NEED TO DISCONTINUE A MEDICATION OR TREATMENT BECAUSE OF:

(I) ADVERSE CONSEQUENCES; OR

(II) THE NEED TO BEGIN A NEW FORM OF TREATMENT;

(4) EVALUATION AT OR ADMISSION TO A HOSPITAL; AND

(5) ACCIDENTS THAT RESULT IN INJURY HAVING THE POTENTIAL FOR REQUIRING A PHYSICIAN'S INTERVENTION.

(B) CONSISTENT WITH STATE AND FEDERAL CONFIDENTIALITY LAWS AND IN A TIMELY MANNER, A NURSING HOME SHALL NOTIFY A RESIDENT AND, IF APPLICABLE, THE RESIDENT'S REPRESENTATIVE OR INTERESTED FAMILY MEMBER OF ANY:

(1) CHANGE IN CONDITION;

(2) ADVERSE EVENT THAT MAY RESULT IN A CHANGE IN CONDITION;

(3) OUTCOME OR CARE THAT RESULTS IN AN UNANTICIPATED CONSEQUENCE; OR

(4) CORRECTIVE ACTION, IF APPROPRIATE.

(C) IF THE DEPARTMENT DETERMINES THAT A NURSING HOME FAILED TO NOTIFY A RESIDENT, RESIDENT'S REPRESENTATIVE, OR INTERESTED FAMILY MEMBER UNDER SUBSECTION (B) OF THIS SECTION, THE DEPARTMENT SHALL REQUIRE AS PART OF A PLAN OF CORRECTION THAT THE NURSING HOME NOTIFY THE RESIDENT, THE RESIDENT'S REPRESENTATIVE, OR INTERESTED FAMILY MEMBER AS SOON AS POSSIBLE."