
By: **Senator Della**

Introduced and read first time: February 2, 2004

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes - Notice of Adverse Events**

3 FOR the purpose of requiring a nursing home to provide a certain written notice to
4 certain residents if the Secretary of Health and Mental Hygiene finds that a
5 nursing home violated certain provisions of law and the violation affected a
6 resident in a certain way; providing for the contents of the written notice;
7 requiring a written notice to be consistent with certain federal and State laws
8 and sent in a timely manner; providing for certain administrative penalties;
9 defining certain terms; and generally relating to nursing homes providing notice
10 of adverse events.

11 BY adding to

12 Article - Health - General

13 Section 19-2101 to be under the new subtitle "Subtitle 21. Notice of Adverse

14 Events by Nursing Homes"

15 Annotated Code of Maryland

16 (2000 Replacement Volume and 2003 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article - Health - General**

20 **SUBTITLE 21. NOTICE OF ADVERSE EVENTS BY NURSING HOMES.**

21 19-2101.

22 (A) IN THIS SECTION, "NURSING HOME" MEANS A RELATED INSTITUTION AS
23 DEFINED IN § 19-301 OF THIS TITLE.

24 (B) IF THE SECRETARY FINDS THAT A NURSING HOME HAS VIOLATED A
25 PROVISION OF THIS ARTICLE AND THAT A RESIDENT HAS BEEN ADVERSELY
26 AFFECTED BY THE CARE, TREATMENT, CIRCUMSTANCE, CONDUCT, CONDITION, OR
27 OTHER GROUND FOR THE VIOLATION, THE NURSING HOME SHALL PROVIDE
28 WRITTEN NOTICE OF THE ITEMS LISTED IN SUBSECTION (C) OF THIS SECTION TO:

1 (1) THE RESIDENT WHO HAS BEEN ADVERSELY AFFECTED BY THE CARE,
2 TREATMENT, CIRCUMSTANCE, CONDUCT, CONDITION, OR OTHER GROUND FOR THE
3 VIOLATION; AND

4 (2) IF APPLICABLE:

5 (I) THE INTERESTED FAMILY MEMBER OF THE RESIDENT; OR

6 (II) THE RESIDENT'S REPRESENTATIVE.

7 (C) A NURSING HOME SUBJECT TO THE PROVISIONS OF SUBSECTION (B) OF
8 THIS SECTION SHALL PROVIDE WRITTEN NOTICE OF THE FOLLOWING:

9 (1) A CHANGE IN THE RESIDENT'S CONDITION;

10 (2) THE ADVERSE EVENT THAT MAY RESULT IN A CHANGE IN THE
11 RESIDENT'S CONDITION;

12 (3) THE OUTCOME OF CARE THAT RESULTS IN AN UNANTICIPATED
13 CONSEQUENCE; AND

14 (4) THE CORRECTIVE ACTION TAKEN, IF ANY.

15 (D) A WRITTEN NOTICE REQUIRED UNDER THE PROVISIONS OF THIS SECTION
16 SHALL BE:

17 (1) CONSISTENT WITH ALL FEDERAL AND STATE CONFIDENTIALITY
18 LAWS; AND

19 (2) SENT IN A TIMELY MANNER.

20 (E) THE SECRETARY MAY, FOR A VIOLATION OF THIS SECTION, IMPOSE AN
21 ADMINISTRATIVE PENALTY UP TO:

22 (1) \$500 FOR A FIRST VIOLATION; AND

23 (2) \$1,000 FOR A SUBSEQUENT, REPEATED VIOLATION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2004.