

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 343

(Senator Pinsky, *et al.*)

Finance

Health and Government Operations

Health Facilities – Nursing Homes – Family Council

This bill specifies the composition and oversight of a family council formed at a nursing home.

Fiscal Summary

State Effect: The bill would not directly affect governmental operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: A family council is a group of individuals who work together to protect the rights of and improve the quality of life of residents of a nursing home. A family council may consist of: (1) a resident's family members; or (2) an individual appointed by the resident, or if the resident is incapable of appointing an individual, an individual appointed by the resident's family.

A family council may be created by the owner, operator, or staff of a nursing home. In order to facilitate the development of a family council, the owner, operator, or staff may lead the family council for no longer than six months, at which time the council must be led by a council member.

A nursing home must give each new or prospective resident written information about the family council, including: (1) the name, address, and phone number of a current family council member; (2) a brief description of the council's purpose and function; (3) instructions on how to review the public files of a family council; and (4) the name, address, and phone number of the State or local ombudsman.

A nursing home must respond in writing to any written grievance or other written communication from the family council within 14 days. A nursing home must create and maintain a public correspondence file and a regulatory correspondence file for communications with a family council. The public file may be reviewed by a resident, prospective resident, or a representative during normal business hours and at any other time the nursing home agrees to make the public file available. A nursing home must promptly comply with a request by a licensure authority to review the records in either the public or regulatory files.

The Maryland Department of Aging (MDoA) must adopt regulations that provide for a process for assisting individuals with organization and operating a family council in a nursing home.

Current Law: The federal Nursing Home Reform Act of 1987 gives nursing home residents who reside in nursing facilities that receive Medicare or Medicaid funds and their families the right to participate in family councils.

Background: There are approximately 247 nursing homes in Maryland. Nursing home residents and their family members can form a family council to communicate any concerns they may have to nursing home administrators and work together for resolutions and improvements. In January 2000, the National Citizens' Coalition for Nursing Home Reform (NCCNHR) conducted a project to promote the establishment and effectiveness of family councils in nursing homes. According to a survey done as part of this project, NCCNHR discovered that 42% of family councils were facility-directed and 14% were family-directed. There were various reasons why many facilities were in charge of family councils, including family members' reluctance to head the councils. In some cases, nursing homes that directed family councils discouraged council autonomy. NCCNHR's study indicated the most effective family councils were autonomous and not affiliated with a nursing home.

MDoA currently assists nursing home residents and their families create and maintain family councils.

Additional Information

Prior Introductions: None.

Cross File: HB 484 (Delegate Murray, *et al.*) – Health and Government Operations.

Information Source(s): *Family Council Survey* (May 2000), National Citizens' Coalition for Nursing Home Reform; Department of Health and Mental Hygiene (Boards and Commissions); Department of Legislative Services

Fiscal Note History: First Reader - February 9, 2004
mam/jr Revised - Senate Third Reader - March 23, 2004

Analysis by: Susan D. John

Direct Inquiries to:
(410) 946-5510
(301) 970-5510