

ENROLLED BILL

-- *Health and Government Operations/Finance* --

Introduced by **Delegates Hammen, Benson, Boutin, Costa, Elliott, Goldwater, Hubbard, Mandel, Morhaim, Murray, Nathan-Pulliam, and Oaks Oaks, Hixson, Boteler, Bromwell, Donoghue, Frank, Hurson, Kach, Kullen, Pendergrass, V. Turner, and Weldon**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER_____

1 AN ACT concerning

2 **Nursing Homes and Assisted Living Facilities - Quality of Care Oversight**

3 FOR the purpose of changing the name of the Oversight Committee on Quality of
4 Care in Nursing Homes to the Oversight Committee on Quality of Care in
5 Nursing Homes and Assisted Living Facilities; altering the membership of the
6 Oversight Committee; altering the duties of the Oversight Committee; altering
7 certain reporting requirements; requiring the Department of Human Resources
8 to provide staff support to the Oversight Committee; repealing a certain
9 termination provision; and generally relating to the quality of care in nursing
10 homes and assisted living facilities and the Oversight Committee on Quality of
11 Care in Nursing Homes and Assisted Living Facilities.

12 BY repealing and reenacting, with amendments,
13 Article - Health - General

1 Section 19-1409
2 Annotated Code of Maryland
3 (2000 Replacement Volume and 2004 Supplement)

4 BY repealing and reenacting, with amendments,
5 Chapter 216 of the Acts of the General Assembly of 2000
6 Section 2

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

9 Article - Health - General

10 19-1409.

11 (a) There is an Oversight Committee on Quality of Care in Nursing Homes
12 AND ASSISTED LIVING FACILITIES.

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

14 (1) ~~Two members~~ ONE MEMBER of the Senate Finance Committee,
15 appointed by the President of the Senate;

16 (2) Two members ONE MEMBER of the Senate Education, Health, and
17 Environmental Affairs Committee, appointed by the President of the Senate;

18 (3) **Four TWO** members of the House Health and Government Operations
19 Committee, appointed by the Speaker of the House;

20 (4) The Secretary of the Department of Aging;

21 (5) The Secretary of the Department of Health and Mental Hygiene, or
22 the Secretary's designee;

23 (6) ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND
24 MENTAL HYGIENE'S MENTAL HYGIENE ADMINISTRATION;

25 (6) (7) THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES,
26 OR THE SECRETARY'S DESIGNEE;

27 (6) (7) (8) Three representatives of area agencies on aging, ONE OF
28 WHICH SHALL BE A MEMBER OF A LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM
29 ESTABLISHED UNDER ARTICLE 70B, § 5 OF THE CODE, appointed by the Secretary of
30 Aging;

31 (7) (8) (9) One representative from the Health Facilities Association
32 of Maryland;

33 (8) (9) (10) One representative from the Mid-Atlantic [Non-Profit
34 Health and Housing Association] LIFESPAN;

1 (9) (10) (11) One representative of the Hospice Network of Maryland;
2 (10) (11) (12) One representative of the Maryland Hospital Association;
3 (11) (12) (13) One representative of the Service Employees
4 International Union; [and]
5 (12) (13) (14) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF
6 AARP;
7 (13) (14) (15) ONE REPRESENTATIVE OF UNITED SENIORS OF
8 MARYLAND;
9 (15) (16) ONE REPRESENTATIVE OF VOICES FOR QUALITY CARE;
10 (14) (16) (17) ONE REPRESENTATIVE OF THE MENTAL HEALTH
11 ASSOCIATION KNOWLEDGEABLE IN ELDERLY ISSUES;
12 (15) (17) (18) ONE REPRESENTATIVE OF THE GREATER MARYLAND
13 CHAPTER OF THE ALZHEIMER'S ASSOCIATION;
14 (16) (18) (19) ONE REPRESENTATIVE OF THE SMALL ASSISTED LIVING
15 ALLIANCE;
16 (17) ONE REPRESENTATIVE OF THE MARYLAND SMALL ASSISTED LIVING
17 ASSOCIATION; THREE REPRESENTATIVES FROM THE ASSISTED LIVING INDUSTRY, OF
18 WHICH ONE SHALL REPRESENT A PROGRAM THAT CARES FOR ONE TO FOUR
19 RESIDENTS, ONE SHALL REPRESENT A PROGRAM THAT CARES FOR FIVE TO NINE
20 RESIDENTS, AND ONE SHALL REPRESENT A PROGRAM THAT CARES FOR MORE THAN
21 10 RESIDENTS; AND
22 [(12)] (18) (19) (20) [Two] THREE consumer members appointed by the
23 Governor, ONE OF WHICH WHOM SHALL BE A CONSUMER LIVING IN AN ASSISTED
24 LIVING FACILITY.
25 (c) The Secretary of Aging shall chair the Oversight Committee.
26 (d) [The Oversight Committee shall monitor and evaluate implementation of
27 the recommendations of the Task Force on Quality of Care in Nursing Facilities,
28 created pursuant to Chapters 382 and 383 of the Acts of the General Assembly of 1999
29 and relevant legislation enacted subsequent to the recommendations of the Task
30 Force.
31 (e)] The Oversight Committee shall evaluate the progress in improving
32 nursing home care quality AND ASSISTED LIVING FACILITY QUALITY statewide,
33 including consideration of:
34 (1) Quality of care standards for nursing homes AND ASSISTED LIVING
35 FACILITIES;

1 (2) STANDARDS FOR THE IDENTIFICATION OF THE ONSET OF DEMENTIA
2 AND ALZHEIMER'S DISEASE;

3 (3) STANDARDS FOR THE IDENTIFICATION OF CONDITIONS
4 APPROPRIATE FOR HOSPICE SERVICES:

5 [(2)] (3) (4) Staffing patterns and staffing standards;

6 [(3)] (4) (5) Policies and procedures for inspecting nursing homes AND
7 ASSISTED LIVING FACILITIES, and responding to quality of care complaints;

8 [(4)] (5) (6) A comparison of Maryland standards, policies, and
9 procedures to those in other states;

10 [(5)] (6) (7) The labor pool available to fill nursing and nursing aide
11 jobs; ~~and~~

12 [(6)] (7) (8) State funding mechanisms for nursing homes AND
13 ASSISTED LIVING FACILITIES, including the Medicaid Nursing Home Reimbursement
14 System, and regulation of nursing homes; AND

15 (8) (9) THE PROVISION AND QUALITY OF MENTAL AND BEHAVIORAL
16 HEALTH CARE SERVICES TO MEET THE NEEDS OF NURSING HOME AND ASSISTED
17 LIVING FACILITY RESIDENTS.

18 [(f)] (E) [(1)] The Office of Health Care Quality in the Department of Health
19 and Mental Hygiene shall submit a report to the Oversight Committee [twice]
20 annually on the [implementation of the Task Force recommendations and the] status
21 of quality of care in nursing homes AND ASSISTED LIVING FACILITIES.

22 [(2)] The reports shall be submitted on March 1 and September 1 of each
23 year.]

24 [(g)] (F) The Deputy Secretary of Health Care Financing, OR THE DEPUTY
25 SECRETARY'S DESIGNEE, shall report annually to the Oversight Committee on the
26 status of the Medicaid Nursing Home Reimbursement System, which shall include
27 but not be limited to:

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

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

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

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

34 [(h)] (G) The Oversight Committee shall review the reports of the Office of
35 Health Care Quality and the Deputy Secretary of Health Care Financing and develop

1 recommendations to continue improvement in nursing home AND ASSISTED LIVING
2 FACILITY care.

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

6 [(j)] (I) The Department of Aging, with assistance from the Department of
7 Health and Mental Hygiene, THE DEPARTMENT OF HUMAN RESOURCES, and the
8 Department of Legislative Services, shall provide staff support for the Oversight
9 Committee.

10 **Chapter 216 of the Acts of 2000**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2000. [It shall remain effective for a period of 5 years and 3 months and, at
13 the end of December 31, 2005, with no further action required by the General
14 Assembly, this Act shall be abrogated and of no further force and effect.]

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2005.