
By: **Delegates Hammen, Benson, Boutin, Costa, Elliott, Goldwater,
Hubbard, Mandel, Morhaim, Murray, Nathan-Pulliam, and Oaks**

Introduced and read first time: February 10, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

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; repealing a certain termination provision; and
8 generally relating to the quality of care in nursing homes and assisted living
9 facilities and the Oversight Committee on Quality of Care in Nursing Homes
10 and Assisted Living Facilities.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 19-1409
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2004 Supplement)

16 BY repealing and reenacting, with amendments,
17 Chapter 216 of the Acts of the General Assembly of 2000
18 Section 2

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

21 **Article - Health - General**

22 19-1409.

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

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

1 (1) Two members of the Senate Finance Committee, appointed by the
2 President of the Senate;

3 (2) Two members of the Senate Education, Health, and Environmental
4 Affairs Committee, appointed by the President of the Senate;

5 (3) Four members of the House Health and Government Operations
6 Committee, appointed by the Speaker of the House;

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

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

10 (6) Three representatives of area agencies on aging, appointed by the
11 Secretary of Aging;

12 (7) One representative from the Health Facilities Association of
13 Maryland;

14 (8) One representative from the Mid-Atlantic [Non-Profit Health and
15 Housing Association] LIFESPAN;

16 (9) One representative of the Hospice Network of Maryland;

17 (10) One representative of the Maryland Hospital Association;

18 (11) One representative of the Service Employees International Union;
19 [and]

20 (12) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF AARP;

21 (13) ONE REPRESENTATIVE OF UNITED SENIORS OF MARYLAND;

22 (14) ONE REPRESENTATIVE OF THE MENTAL HEALTH ASSOCIATION
23 KNOWLEDGEABLE IN ELDERLY ISSUES;

24 (15) ONE REPRESENTATIVE OF THE GREATER MARYLAND CHAPTER OF
25 THE ALZHEIMER'S ASSOCIATION;

26 (16) ONE REPRESENTATIVE OF THE SMALL ASSISTED LIVING ALLIANCE;

27 (17) ONE REPRESENTATIVE OF THE MARYLAND SMALL ASSISTED LIVING
28 ASSOCIATION; AND

29 [(12)] (18) [Two] THREE consumer members appointed by the Governor,
30 ONE OF WHICH SHALL BE A CONSUMER LIVING IN AN ASSISTED LIVING FACILITY.

31 (c) The Secretary of Aging shall chair the Oversight Committee.

1 (d) [The Oversight Committee shall monitor and evaluate implementation of
 2 the recommendations of the Task Force on Quality of Care in Nursing Facilities,
 3 created pursuant to Chapters 382 and 383 of the Acts of the General Assembly of 1999
 4 and relevant legislation enacted subsequent to the recommendations of the Task
 5 Force.

6 (e) The Oversight Committee shall evaluate the progress in improving
 7 nursing home care quality AND ASSISTED LIVING FACILITY QUALITY statewide,
 8 including consideration of:

9 (1) Quality of care standards for nursing homes AND ASSISTED LIVING
 10 FACILITIES;

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

13 [(2)] (3) Staffing patterns and staffing standards;

14 [(3)] (4) Policies and procedures for inspecting nursing homes AND
 15 ASSISTED LIVING FACILITIES, and responding to quality of care complaints;

16 [(4)] (5) A comparison of Maryland standards, policies, and procedures
 17 to those in other states;

18 [(5)] (6) The labor pool available to fill nursing and nursing aide jobs;
 19 and

20 [(6)] (7) State funding mechanisms for nursing homes AND ASSISTED
 21 LIVING FACILITIES, including the Medicaid Nursing Home Reimbursement System,
 22 and regulation of nursing homes.

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

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

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

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

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

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

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

3 [(h)] (G) The Oversight Committee shall review the reports of the Office of
4 Health Care Quality and the Deputy Secretary of Health Care Financing and develop
5 recommendations to continue improvement in nursing home AND ASSISTED LIVING
6 FACILITY care.

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

10 [(j)] (I) The Department of Aging, with assistance from the Department of
11 Health and Mental Hygiene and the Department of Legislative Services, shall provide
12 staff support for the Oversight Committee.

13

Chapter 216 of the Acts of 2000

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

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