

---

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~~**

Introduced and read first time: February 10, 2005  
Assigned to: Health and Government Operations

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 15, 2005

---

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  
14 Section 19-1409  
15 Annotated Code of Maryland  
16 (2000 Replacement Volume and 2004 Supplement)

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

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

1 **Article - Health - General**

2 19-1409.

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

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

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

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

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

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

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

15 (6) THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES, OR  
16 THE SECRETARY'S DESIGNEE;

17 ~~(6)~~ (7) Three representatives of area agencies on aging, ONE OF WHICH  
18 SHALL BE A MEMBER OF A LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM  
19 ESTABLISHED UNDER ARTICLE 70B, § 5 OF THE CODE, appointed by the Secretary of  
20 Aging;

21 ~~(7)~~ (8) One representative from the Health Facilities Association of  
22 Maryland;

23 ~~(8)~~ (9) One representative from the Mid-Atlantic [Non-Profit Health  
24 and Housing Association] LIFESPAN;

25 ~~(9)~~ (10) One representative of the Hospice Network of Maryland;

26 ~~(10)~~ (11) One representative of the Maryland Hospital Association;

27 ~~(11)~~ (12) One representative of the Service Employees International  
28 Union; [and]

29 ~~(12)~~ (13) ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF AARP;

30 ~~(13)~~ (14) ONE REPRESENTATIVE OF UNITED SENIORS OF MARYLAND;

31 (15) ONE REPRESENTATIVE OF VOICES FOR QUALITY CARE;

1           ~~(14)~~ (16)    ONE REPRESENTATIVE OF THE MENTAL HEALTH ASSOCIATION  
2 KNOWLEDGEABLE IN ELDERLY ISSUES;

3           ~~(15)~~ (17)    ONE REPRESENTATIVE OF THE GREATER MARYLAND CHAPTER  
4 OF THE ALZHEIMER'S ASSOCIATION;

5           ~~(16)~~ (18)    ~~ONE REPRESENTATIVE OF THE SMALL ASSISTED LIVING~~  
6 ~~ALLIANCE;~~

7           ~~(17)~~    ~~ONE REPRESENTATIVE OF THE MARYLAND SMALL ASSISTED LIVING~~  
8 ~~ASSOCIATION; THREE REPRESENTATIVES FROM THE ASSISTED LIVING INDUSTRY, OF~~  
9 ~~WHICH ONE SHALL REPRESENT A PROGRAM THAT CARES FOR ONE TO FOUR~~  
10 ~~RESIDENTS, ONE SHALL REPRESENT A PROGRAM THAT CARES FOR FIVE TO NINE~~  
11 ~~RESIDENTS, AND ONE SHALL REPRESENT A PROGRAM THAT CARES FOR MORE THAN~~  
12 ~~10 RESIDENTS; AND~~

13           [(12)] ~~(18)~~ (19)    [Two] THREE consumer members appointed by the  
14 Governor, ONE OF WHICH SHALL BE A CONSUMER LIVING IN AN ASSISTED LIVING  
15 FACILITY.

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

17       (d)     [The Oversight Committee shall monitor and evaluate implementation of  
18 the recommendations of the Task Force on Quality of Care in Nursing Facilities,  
19 created pursuant to Chapters 382 and 383 of the Acts of the General Assembly of 1999  
20 and relevant legislation enacted subsequent to the recommendations of the Task  
21 Force.

22       (e)]     The Oversight Committee shall evaluate the progress in improving  
23 nursing home care quality AND ASSISTED LIVING FACILITY QUALITY statewide,  
24 including consideration of:

25           (1)     Quality of care standards for nursing homes AND ASSISTED LIVING  
26 FACILITIES;

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

29           [(2)] (3)     Staffing patterns and staffing standards;

30           [(3)] (4)     Policies and procedures for inspecting nursing homes AND  
31 ASSISTED LIVING FACILITIES, and responding to quality of care complaints;

32           [(4)] (5)     A comparison of Maryland standards, policies, and procedures  
33 to those in other states;

34           [(5)] (6)     The labor pool available to fill nursing and nursing aide jobs;  
35 ~~and~~

1 [(6)] (7) State funding mechanisms for nursing homes AND ASSISTED  
 2 LIVING FACILITIES, including the Medicaid Nursing Home Reimbursement System,  
 3 and regulation of nursing homes; AND

4 (8) THE PROVISION AND QUALITY OF MENTAL AND BEHAVIORAL  
 5 HEALTH CARE SERVICES TO MEET THE NEEDS OF NURSING HOME AND ASSISTED  
 6 LIVING FACILITY RESIDENTS.

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

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

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

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

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

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

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

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

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

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

34

#### Chapter 216 of the Acts of 2000

35 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 36 October 1, 2000. [It shall remain effective for a period of 5 years and 3 months and, at

1 the end of December 31, 2005, with no further action required by the General  
2 Assembly, this Act shall be abrogated and of no further force and effect.]

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