

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

Introduced by **Senators Teitelbaum, Hollinger, and Kelley**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

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Proofreader.

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

\_\_\_\_\_  
President.

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)

1 BY repealing and reenacting, with amendments,  
 2 Chapter 216 of the Acts of the General Assembly of 2000  
 3 Section 2

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

6 **Article - Health - General**

7 19-1409.

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

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

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

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

15 (3) ~~Four~~ TWO members of the House Health and Government Operations  
 16 Committee, appointed by the Speaker of the House;

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

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

20 ~~(6)~~ ONE REPRESENTATIVE FROM THE DEPARTMENT OF HEALTH AND  
 21 MENTAL HYGIENE'S MENTAL HYGIENE ADMINISTRATION;

22 ~~(6)~~ (7) THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES,  
 23 OR THE SECRETARY'S DESIGNEE;

24 ~~(6)~~ ~~(7)~~ (8) Three representatives of area agencies on aging, ONE OF  
 25 WHICH SHALL BE A MEMBER OF A LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM  
 26 ESTABLISHED UNDER ARTICLE 70B, § 5 OF THE CODE, appointed by the Secretary of  
 27 Aging;

28 ~~(7)~~ ~~(8)~~ (9) One representative from the Health Facilities Association  
 29 of Maryland;

30 ~~(8)~~ ~~(9)~~ (10) One representative from the Mid-Atlantic [Non-Profit  
 31 Health and Housing Association] LIFESPAN;

32 ~~(9)~~ ~~(10)~~ (11) One representative of the Hospice Network of Maryland;

33 ~~(10)~~ ~~(11)~~ (12) One representative of the Maryland Hospital Association;

1           ~~(11)~~ ~~(12)~~ ~~(13)~~   One representative of the Service Employees  
2 International Union; [and]

3           ~~(12)~~ ~~(13)~~ ~~(14)~~   ONE REPRESENTATIVE OF THE MARYLAND CHAPTER OF  
4 AARP;

5           ~~(13)~~ ~~(14)~~ ~~(15)~~   ONE REPRESENTATIVE OF UNITED SENIORS OF  
6 MARYLAND;

7           ~~(15)~~ ~~(16)~~   ONE REPRESENTATIVE OF VOICES FOR QUALITY CARE;

8           ~~(14)~~ ~~(16)~~ ~~(17)~~   ONE REPRESENTATIVE OF THE MENTAL HEALTH  
9 ASSOCIATION KNOWLEDGEABLE IN ELDERLY ISSUES;

10          ~~(15)~~ ~~(17)~~ ~~(18)~~   ONE REPRESENTATIVE OF THE GREATER MARYLAND  
11 CHAPTER OF THE ALZHEIMER'S ASSOCIATION;

12          ~~(16)~~ ~~(18)~~ ~~(19)~~   ~~ONE REPRESENTATIVE OF THE SMALL ASSISTED LIVING~~  
13 ~~ALLIANCE;~~

14          ~~(17)~~   ~~ONE REPRESENTATIVE OF THE MARYLAND SMALL ASSISTED LIVING~~  
15 ~~ASSOCIATION; THREE REPRESENTATIVES FROM THE ASSISTED LIVING INDUSTRY, OF~~  
16 ~~WHICH ONE SHALL REPRESENT A PROGRAM THAT CARES FOR ONE TO FOUR~~  
17 ~~RESIDENTS, ONE SHALL REPRESENT A PROGRAM THAT CARES FOR FIVE TO NINE~~  
18 ~~RESIDENTS, AND ONE SHALL REPRESENT A PROGRAM THAT CARES FOR MORE THAN~~  
19 ~~10 RESIDENTS; AND~~

20          [(12)] ~~(18)~~ ~~(19)-(20)~~ [Two] THREE consumer members appointed by  
21 the Governor, ONE OF WHICH WHOM SHALL BE A CONSUMER LIVING IN AN ASSISTED  
22 LIVING FACILITY.

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

24       (d)     [The Oversight Committee shall monitor and evaluate implementation of  
25 the recommendations of the Task Force on Quality of Care in Nursing Facilities,  
26 created pursuant to Chapters 382 and 383 of the Acts of the General Assembly of 1999  
27 and relevant legislation enacted subsequent to the recommendations of the Task  
28 Force.

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

32           (1)     Quality of care standards for nursing homes AND ASSISTED LIVING  
33 FACILITIES;

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

1           (3)    STANDARDS FOR THE IDENTIFICATION OF CONDITIONS  
 2 APPROPRIATE FOR HOSPICE SERVICES;

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

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

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

8           [(5)]   ~~(6)~~   (7)    The labor pool available to fill nursing and nursing aide  
 9 jobs; ~~and~~

10          [(6)]   ~~(7)~~   (8)    State funding mechanisms for nursing homes AND  
 11 ASSISTED LIVING FACILITIES, including the Medicaid Nursing Home Reimbursement  
 12 System, and regulation of nursing homes; AND

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

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

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

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

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

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

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

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

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

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

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

8

#### Chapter 216 of the Acts of 2000

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

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