

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 117
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “prohibiting” in line 6 down through the semicolon in line 9; in line 9, strike “an award,”; strike beginning with the second comma in line 9 down through “investigation” in line 10 and substitute “under certain circumstances”; in line 10, after the first semicolon insert “prohibiting certain health care providers from taking retaliatory actions against certain employees under certain circumstances; authorizing certain employees to file civil actions against certain providers under certain circumstances; limiting the length of time an employee may file a civil action under certain circumstances; authorizing a court to take certain actions; requiring certain providers to display certain notices and provide certain information in a certain manner; requiring the Department to establish a task force to review certain laws and regulations for certain purposes; requiring a certain report to be submitted to certain committees;”; and in line 14, strike “2-509” and substitute “2-505”.

AMENDMENT NO. 2

On page 2, strike beginning with ““CORPORATE” in line 13 down through “ABUSE” in line 30 and substitute ““EMPLOYEE” MEANS ANY INDIVIDUAL WHO PERFORMS SERVICES FOR, OR UNDER THE CONTROL OR DIRECTION OF, A PROVIDER FOR WAGES OR OTHER REMUNERATION”; and in line 31, after “INTENTIONAL” insert “MATERIAL”.

On page 3, strike beginning with ““KNOWING”” in line 1 down through “(G)” in line 8; in line 15, strike “(H)” and substitute “(G)”; in line 18, after “A” insert “LICENSED”; in the same line, strike “OR”; in line 20, strike the period and substitute “; OR”; strike in their entirety lines 21 through 31, inclusive; and in line 32, strike “(VI)” and substitute “(IV)”.

On page 4, in line 1, strike “(3)” and substitute “(2)”; strike in their entirety lines 5 and 6; and in lines 7 and 9, strike “(J)” and “(K)”, respectively, and substitute “(H)” and “(I)”, respectively.

(Over)

AMENDMENT NO. 3

On page 4, in line 16, strike “MISTAKEN CLAIMS, AND”; in line 28, strike “MISTAKEN, WRONGFUL,” and substitute “MISTAKEN CLAIMS PAID OR PAYMENTS OBTAINED IN ERROR”; in line 29, after the semicolon insert “AND”; and in line 31, strike “MISTAKENLY, WRONGFULLY” and substitute “MISTAKENLY PAID OR OBTAINED IN ERROR”.

On pages 4 and 5, strike beginning with the semicolon in line 32 on page 4 down through “SUBTITLE” in line 16 on page 5.

On pages 5 through 8, strike the lines beginning with line 17 on page 5 through line 15 on page 8, inclusive.

AMENDMENT NO. 4

On page 8, in line 16, strike “2-509.” and substitute “2-505.”; strike beginning with the first “THE” in line 17 down through “(D)” in line 24; in line 25, strike “A MISTAKEN CLAIM AND”; strike beginning with “A” in line 27 down through “AND” in line 28; in line 29, strike “(E)” and substitute “(B)”; and in the same line, after “(1)” insert “THIS SUBSECTION DOES NOT APPLY TO AN EMPLOYEE AS DEFINED IN § 1-501(C) OF THE HEALTH OCCUPATIONS ARTICLE OR A STATE EMPLOYEE.”

(2)”.

On page 9, in line 6, strike “(2)” and substitute “(3)”; strike beginning with “IF” in line 6 down through “SUBSECTION” in line 17 and substitute “ANY EMPLOYEE WHO IS SUBJECT TO AN ACTION IN VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION MAY INSTITUTE A CIVIL ACTION IN THE COUNTY WHERE:”

(I) THE ALLEGED VIOLATION OCCURRED;

(II) THE EMPLOYEE RESIDES; OR

(III) THE PROVIDER MAINTAINS ITS PRINCIPAL OFFICE IN THE STATE.

(4) THE ACTION SHALL BE BROUGHT WITHIN 1 YEAR AFTER THE ALLEGED VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION OR WITHIN 1 YEAR AFTER THE EMPLOYEE FIRST BECAME AWARE OF THE ALLEGED VIOLATION OF

PARAGRAPH (1) OF THIS SUBSECTION.

(5) IN ANY ACTION BROUGHT UNDER THIS SUBSECTION, A COURT MAY:

(I) ISSUE AN INJUNCTION TO RESTRAIN CONTINUED VIOLATION OF THIS SUBSECTION;

(II) REINSTATE THE EMPLOYEE TO THE SAME OR AN EQUIVALENT POSITION HELD BEFORE THE VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION;

(III) REMOVE ANY ADVERSE PERSONNEL RECORD ENTRIES BASED ON OR RELATED TO THE VIOLATION OF PARAGRAPH (2) OF THIS SUBSECTION;

(IV) REINSTATE FULL FRINGE BENEFITS AND SENIORITY RIGHTS;

(V) REQUIRE COMPENSATION FOR LOST WAGES, BENEFITS, AND OTHER REMUNERATION; AND

(VI) ASSESS REASONABLE ATTORNEY'S FEES AND OTHER LITIGATION EXPENSES AGAINST:

1. THE PROVIDER, IF THE EMPLOYEE PREVAILS; OR
2. THE EMPLOYEE, IF THE COURT DETERMINES THAT THE ACTION WAS BROUGHT BY THE EMPLOYEE IN BAD FAITH AND WITHOUT BASIS IN LAW OR FACT";

in line 18, strike "(5)" and substitute "(6)"; in the same line, strike "AN EMPLOYER" and substitute "A PROVIDER"; in lines 20 and 22, in each instance, strike "SECTION" and substitute

(Over)

“SUBSECTION”; and strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 5

On page 9, after line 25, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall:

(1) establish a task force composed of all interested parties for the purpose of consolidating departmental authority over fraud, waste, and abuse by reviewing Maryland laws governing the Department, and regulations issued by the Department, to eliminate overlapping and duplicate administrative authority within the Department as a result of establishing the Office of Inspector General; and

(2) in accordance with § 2-1246 of the State Government Article, report its findings and recommendations to the Senate Finance Committee and the House Health and Government Operations Committee on or before December 1, 2006.”;

and in line 26, strike “2.” and substitute “3.”.