
By: **Delegates McDonough, Impallaria, and Jennings**

Introduced and read first time: February 9, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Homes - Health Care Quality Disclosure Form - Requirements**

3 FOR the purpose of requiring nursing homes to develop and make available to certain
4 persons a certain Health Care Quality Disclosure Form; providing for the
5 purpose of the form; requiring certain forms to be signed by certain persons;
6 requiring a nursing home to create and maintain certain correspondence files;
7 providing for the contents of certain files; requiring that certain information in
8 certain records be deleted; requiring records in regulatory files to be unedited;
9 providing that certain persons may view certain files at any time; requiring a
10 nursing home to promptly comply with a request by a licensing authority to
11 review certain files; requiring certain information to be entered into a certain
12 database; requiring that certain information be deleted from certain
13 information entered into a certain database; requiring a certain representative
14 of a resident to be given a certain passcode to a certain database; defining a
15 certain term; and generally relating to requirements for a Health Care Quality
16 Disclosure Form in nursing homes.

17 BY renumbering

18 Article - Health - General

19 Section 19-1417

20 to be Section 19-1418

21 Annotated Code of Maryland

22 (2005 Replacement Volume and 2005 Supplement)

23 BY adding to

24 Article - Health - General

25 Section 19-1417

26 Annotated Code of Maryland

27 (2005 Replacement Volume and 2005 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

29 MARYLAND, That Section(s) 19-1417 of Article - Health - General of the Annotated

30 Code of Maryland be renumbered to be Section(s) 19-1418.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Health - General**

4 19-1417.

5 (A) IN THIS SECTION, "FORM" MEANS A HEALTH CARE QUALITY DISCLOSURE
6 FORM.

7 (B) (1) A NURSING HOME SHALL DEVELOP AND MAKE AVAILABLE A HEALTH
8 CARE QUALITY DISCLOSURE FORM TO ALL RESIDENTS OF THE NURSING HOME AND
9 THE FAMILY MEMBERS, LEGAL GUARDIANS, AND OTHER INTERESTED PARTIES OF A
10 RESIDENT OF THE NURSING HOME.

11 (2) THE PURPOSE OF THE FORM IS TO PROVIDE A PUBLIC,
12 STANDARDIZED, AND VERIFIABLE MEANS BY WHICH A FAMILY MEMBER, LEGAL
13 GUARDIAN, OR OTHER INTERESTED PARTY OF A RESIDENT OF THE NURSING HOME
14 MAY SEND A WRITTEN COMMUNICATION INCLUDING QUESTIONS, CONCERNS ABOUT
15 CARE, AND OTHER ITEMS OF CONCERN, TO THE NURSING HOME.

16 (C) EACH COMPLETED FORM SHALL BE SIGNED BY:

17 (1) THE FAMILY MEMBER, LEGAL GUARDIAN, OR INTERESTED PARTY
18 MAKING THE COMMUNICATION; AND

19 (2) THE DESIGNATED REPRESENTATIVE OF THE NURSING HOME.

20 (D) (1) A NURSING HOME SHALL CREATE AND MAINTAIN A PUBLIC
21 CORRESPONDENCE FILE AND A REGULATORY CORRESPONDENCE FILE THAT
22 INCLUDES A COPY OF EACH COMPLETED FORM FILED WITH THE NURSING HOME.

23 (2) (I) THE RECORDS IN THE PUBLIC FILE SHALL DELETE ANY
24 INFORMATION THAT IDENTIFIES THE INDIVIDUAL RESIDENT.

25 (II) THE RECORDS IN THE REGULATORY FILE SHALL BE UNEDITED.

26 (3) A COPY OF A COMPLETED FORM SHALL BE RETAINED BY THE
27 NURSING HOME IN BOTH THE PUBLIC REGULATORY FILES FOR AS LONG AS THE
28 RESIDENT FOR WHICH THE FORM WAS FILED RESIDES IN THE NURSING HOME.

29 (4) RESIDENTS, PROSPECTIVE RESIDENTS, AND FAMILY MEMBERS,
30 LEGAL GUARDIANS, AND OTHER INTERESTED PARTIES OF A RESIDENT OF THE
31 NURSING HOME SHALL HAVE ACCESS TO THE PUBLIC CORRESPONDENCE FILE AT
32 ALL TIMES.

33 (5) THE NURSING HOME SHALL PROMPTLY COMPLY WITH A REQUEST
34 BY A LICENSING AUTHORITY TO REVIEW THE RECORDS IN EITHER THE PUBLIC OR
35 REGULATORY FILES.

1 (E) (1) (I) AN ELECTRONIC COPY OF EACH COMPLETED FORM SHALL BE
2 ENTERED INTO A SECURE DATABASE.

3 (II) THE INFORMATION ENTERED INTO THE DATABASE UNDER
4 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL DELETE ANY INFORMATION THAT
5 IDENTIFIES AN INDIVIDUAL RESIDENT.

6 (2) ONE REPRESENTATIVE OF A RESIDENT SHALL BE GIVEN A SECURE
7 PASSCODE TO ENTER THE DATABASE AND VIEW THE INFORMATION FROM THE
8 COMPLETED FORMS.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2006.