

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

House Bill 1285 (Delegate Kullen, *et al.*)
Health and Government Operations

Nursing Homes and Assisted Living Facilities - Suspicious or Unusual Deaths -
Notice or Report

This bill provides that a person required by regulation to provide notice of a death of a nursing home or assisted living facility resident that may have occurred in a suspicious or unusual manner to immediately notify the local sheriff or police department that the death has occurred. A death that occurs as a result of a decision about a life-sustaining procedure may not be considered suspicious or unusual. A person who knowingly fails to provide the required notice is guilty of a misdemeanor and subject to a fine of up to \$1,000. Any person who makes a report or participates in an investigation of such a death is immune from civil liability for making the report.

Fiscal Summary

State Effect: General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the District Court.

Local Effect: Revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in the circuit courts.

Small Business Effect: None.

Analysis

Current Law: State regulations provide that whenever a death occurs that ● may have been the result of violence or suicide; ● may have occurred by casualty or suddenly when the person was in apparent health; ● was not attended by a physician; or ● may have

occurred in any suspicious or unusual manner, a physician, funeral director, or other person having this knowledge shall report it without delay to the police or sheriff who has jurisdiction in the city or county where the death occurred.

Background: There are approximately 242 licensed nursing homes and 1,580 licensed assisted living facilities in Maryland.

Additional Information

Prior Introductions: None.

Cross File: SB 845 (Senator Dyson) – Finance.

Information Source(s): Department of Health and Mental Hygiene (Office of Health Care Quality), Somerset County, Montgomery County, Frederick County, Prince George's County, Department of State Police, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 2, 2006
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Analysis by: Susan D. John

Direct Inquiries to:
(410) 946-5510
(301) 970-5510