

HOUSE BILL 404

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71r2131
CF SB 257

By: **Delegates Montgomery, Barkley, Benson, Bronrott, Frush, Kaiser, Kirk, Krysiak, Lawton, Manno, Niemann, Oaks, and Stukes**

Introduced and read first time: February 2, 2007

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care in a Retirement Community – Appeal Procedure for**
3 **Subscriber Grievances**

4 FOR the purpose of establishing a procedure for subscribers who are not satisfied with
5 the resolution of grievances by providers to submit complaints to the Secretary
6 of Aging; requiring the Secretary or the Secretary's designee to conduct a
7 preliminary review of a complaint in a certain manner; requiring the Office of
8 Administrative Hearings to hold a hearing on a complaint under certain
9 circumstances; requiring the Office of Administrative Hearings to issue certain
10 orders under certain circumstances; requiring the Secretary to issue certain
11 orders or to remand the complaint under certain circumstances; requiring the
12 Secretary to adopt certain regulations; and generally relating to an appeal
13 procedure for grievances of subscribers in continuing care retirement
14 communities.

15 BY repealing and reenacting, without amendments,
16 Article – Human Services
17 Section 10–428
18 Annotated Code of Maryland
19 (As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

20 BY adding to
21 Article – Human Services
22 Section 10–430
23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (As enacted by Chapter ___ (S.B. 6) of the Acts of the General Assembly of 2007)

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

4 **Article - Human Services**

5 **10-428.**

6 (a) A provider shall establish an internal grievance procedure to address a
7 subscriber's grievance.

8 (b) The internal grievance procedure shall:

9 (1) allow a subscriber to submit a written grievance to the provider;

10 (2) require the provider to send a written acknowledgment to the
11 subscriber within 5 days after receipt of the written grievance;

12 (3) give a subscriber who files a written grievance the right to meet
13 with management of the provider within 45 days after receipt of the written grievance
14 to present the subscriber's grievance; and

15 (4) require the provider to respond within 45 days after receipt of the
16 written grievance regarding the investigation and resolution of the grievance.

17 **10-430.**

18 **(A) IF A SUBSCRIBER IS NOT SATISFIED WITH THE RESOLUTION OF A**
19 **GRIEVANCE AS PROPOSED BY THE PROVIDER UNDER § 10-428 OF THIS**
20 **SUBTITLE, THE SUBSCRIBER MAY SUBMIT A COMPLAINT TO THE SECRETARY**
21 **WITHIN THE TIME AND IN THE MANNER REQUIRED BY REGULATIONS ADOPTED**
22 **BY THE SECRETARY.**

23 **(B) (1) THE SECRETARY OR THE SECRETARY'S DESIGNEE SHALL**
24 **CONDUCT A PRELIMINARY REVIEW OF EACH COMPLAINT.**

25 **(2) AFTER PRELIMINARY REVIEW, IF THE COMPLAINT IS**
26 **DETERMINED TO BE WHOLLY LACKING IN MERIT ON ITS FACE, THE SECRETARY**
27 **OR THE SECRETARY'S DESIGNEE MAY DISMISS THE COMPLAINT WITHOUT A**
28 **HEARING.**

1 **(3) AFTER PRELIMINARY REVIEW, IF THE COMPLAINT IS NOT**
2 **FOUND TO BE WHOLLY LACKING IN MERIT ON ITS FACE, THE SECRETARY SHALL**
3 **REFER THE COMPLAINT TO THE OFFICE OF ADMINISTRATIVE HEARINGS.**

4 **(C) THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL HOLD A**
5 **HEARING ON THE COMPLAINT AS PROMPTLY AS PRACTICABLE.**

6 **(D) PROMPTLY AFTER THE HEARING ON A COMPLAINT, THE OFFICE OF**
7 **ADMINISTRATIVE HEARINGS SHALL ISSUE A DECISION ON THE COMPLAINT.**

8 **(E) (1) IF THE OFFICE OF ADMINISTRATIVE HEARINGS DISMISSES**
9 **THE COMPLAINT AS WHOLLY LACKING IN MERIT, IT PROMPTLY SHALL FORWARD**
10 **AN ORDER OF DISMISSAL TO THE COMPLAINANT.**

11 **(2) IF THE OFFICE OF ADMINISTRATIVE HEARINGS CONCLUDES**
12 **THAT THE COMPLAINT IS WHOLLY OR PARTLY MERITORIOUS, IT PROMPTLY**
13 **SHALL FORWARD A PROPOSED ORDER TO THE SECRETARY.**

14 **(F) (1) PROMPTLY AFTER RECEIVING A PROPOSED ORDER UNDER**
15 **SUBSECTION (E)(2) OF THIS SECTION, THE SECRETARY SHALL ISSUE AN ORDER**
16 **AFFIRMING, REVERSING, OR MODIFYING THE ORDER OF THE OFFICE OF**
17 **ADMINISTRATIVE HEARINGS, OR REMANDING THE COMPLAINT TO THE OFFICE**
18 **OF ADMINISTRATIVE HEARINGS FOR FURTHER PROCEEDINGS.**

19 **(2) THE SECRETARY'S ORDER SHALL BE FORWARDED PROMPTLY**
20 **TO THE COMPLAINANT.**

21 **(G) THE SECRETARY SHALL ADOPT REGULATIONS TO GOVERN THE**
22 **CONDUCT OF THE PROCEEDINGS UNDER THIS SECTION.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.