

SENATE BILL 257

O2

71r0780
CF 71r2131

By: **Senator Astle**

Introduced and read first time: January 29, 2007

Assigned to: Finance

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Human Services**

4 10–428.

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

7 (b) The internal grievance procedure shall:

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

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

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

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

16 **10–430.**

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

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

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