

# HOUSE BILL 1351

O2, J3

8lr1876

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By: **Delegates Love, Beidle, Bobo, V. Clagett, Costa, Gilchrist, Kipke, and Stein**

Introduced and read first time: February 8, 2008

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Retirement Communities – Subscriber Complaints and**  
3 **Investigations**

4 FOR the purpose of adding to the requirements for a continuing care retirement  
5 community's internal grievance procedure; shortening the time frame within  
6 which certain subscribers have the right to meet with management of a  
7 provider; requiring certain providers to submit certain information to the  
8 Department of Aging and to the Health Education and Advocacy Unit in the  
9 Office of the Attorney General on a certain basis; authorizing the Health  
10 Education and Advocacy Unit to identify, investigate, and resolve certain  
11 complaints under certain circumstances; and generally relating to continuing  
12 care retirement communities and subscriber complaints and investigations.

13 BY repealing and reenacting, with amendments,  
14 Article – Human Services  
15 Section 10–428  
16 Annotated Code of Maryland  
17 (2007 Volume)

18 BY adding to  
19 Article – Human Services  
20 Section 10–430  
21 Annotated Code of Maryland  
22 (2007 Volume)

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

25 **Article – Human Services**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-428.

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

4 (b) The internal grievance procedure shall **AT LEAST**:

5 (1) allow a subscriber to submit a written grievance to the provider **IN**  
6 **ANY FORM**;

7 (2) **ALLOW FOR THE ESTABLISHMENT OF A PANEL CONSISTING**  
8 **ONLY OF SUBSCRIBERS TO REVIEW AND PRESENT GRIEVANCES TO**  
9 **MANAGEMENT ON BEHALF OF A GRIEVANT WITHOUT FEAR OF REPRISAL**;

10 [(2)] (3) require the provider to send a written acknowledgment to  
11 the subscriber within 5 days after receipt of the written grievance;

12 (4) **REQUIRE THE PROVIDER TO ASSIGN PERSONNEL TO**  
13 **INVESTIGATE THE GRIEVANCE AND ITS CAUSE IN A PROMPT MANNER**;

14 [(3)] (5) give a subscriber who files a written grievance the right to  
15 meet with management of the provider within [45] **30** days after receipt of the written  
16 grievance to present the subscriber's grievance; and

17 [(4)] (6) require the provider to respond within 45 days after receipt  
18 of the written grievance regarding the investigation and resolution of the grievance.

19 (c) **A PROVIDER SHALL SUBMIT THE FOLLOWING INFORMATION TO THE**  
20 **DEPARTMENT AND TO THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE**  
21 **OFFICE OF THE ATTORNEY GENERAL ON A QUARTERLY BASIS**:

22 (1) **THE NUMBER OF WRITTEN GRIEVANCES SUBMITTED TO THE**  
23 **PROVIDER UNDER THIS SECTION**;

24 (2) **THE NATURE OF THE GRIEVANCES; AND**

25 (3) **ANY ACTION TAKEN BY THE PROVIDER IN RESPONSE TO THE**  
26 **GRIEVANCES**.

27 **10-430.**

28 **IF A SUBSCRIBER IS NOT SATISFIED WITH THE RESOLUTION OF A**  
29 **GRIEVANCE AS DECIDED BY A PROVIDER UNDER § 10-428 OF THIS SUBTITLE,**  
30 **THE SUBSCRIBER MAY SUBMIT A COMPLAINT TO THE HEALTH EDUCATION AND**

1 **ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL TO IDENTIFY,**  
2 **INVESTIGATE, AND RESOLVE THE COMPLAINT:**

3           **(1) THAT IS MADE BY OR ON BEHALF OF A SUBSCRIBER; AND**

4           **(2) THAT RELATES TO ANY ACTION, INACTION, OR DECISION OF A**  
5 **PROVIDER OR A REPRESENTATIVE OF A PROVIDER OF LONG-TERM CARE**  
6 **SERVICES, A PUBLIC AGENCY, OR A HEALTH AND SOCIAL SERVICE AGENCY THAT**  
7 **MAY ADVERSELY AFFECT THE HEALTH, SAFETY, WELFARE, OR RIGHTS OF THE**  
8 **SUBSCRIBER, INCLUDING THE RIGHTS OF A SUBSCRIBER WITH RESPECT TO THE**  
9 **APPOINTMENT AND ACTIVITIES OF GUARDIANS AND REPRESENTATIVE PAYEES.**

10           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11           October 1, 2008.