HOUSE BILL 1351

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

Committee Report: Favorable with amendments House action: Adopted Read second time: March 20, 2008

CHAPTER _____

1 AN ACT concerning

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

FOR the purpose of adding to the requirements for a continuing care retirement 4 community's internal grievance procedure; shortening the time frame within 5 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 or before a certain date; authorizing the Health Education and Advocacy Unit to identify, investigate, 10 and resolve certain complaints under certain circumstances; and generally 11 relating to continuing care retirement communities and subscriber complaints 12 and investigations grievances. 13

- 14 BY repealing and reenacting, with amendments,
- 15 Article Human Services
- 16 <u>Section 10-428</u>
- 17 Annotated Code of Maryland
- 18 (2007 Volume)
- 19 BY adding to
- 20 Article Human Services
- 21 Section 10–430
- 22 Annotated Code of Maryland
- 23 (2007 Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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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
5 6	subscriber's grievance.
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7	(b) The internal grievance procedure shall AT LEAST:
8	(1) allow a subscriber to submit a written grievance to the provider IN
9	ANY FORM;
10	(2) ALLOW FOR THE ESTABLISHMENT OF A PANEL CONSISTING
11	ONLY OF SUBSCRIBERS TO REVIEW AND PRESENT GRIEVANCES TO
12	MANAGEMENT ON BEHALF OF A GRIEVANT WITHOUT FEAR OF REPRISAL;
13	[(2)] (3) require the provider to send a written acknowledgment to
15 14	the subscriber within 5 days after receipt of the written grievance;
11	the subscriber within 6 days after receipt of the written grievance,
15	(4) REQUIRE THE PROVIDER TO ASSIGN PERSONNEL TO
16	INVESTIGATE THE GRIEVANCE AND ITS CAUSE IN A PROMPT MANNER;
17	[(3)] (5) give a subscriber who files a written grievance the right to
18	meet with management of the provider within [45] 30 days after receipt of the written
19	grievance to present the subscriber's grievance; and
20	[(4)] (6) require the provider to respond within 45 days after receipt
$\frac{20}{21}$	of the written grievance regarding the investigation and resolution of the grievance.
22	(C) A PROVIDER SHALL SUBMIT THE FOLLOWING INFORMATION TO THE
23	DEPARTMENT AND TO THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE
24	OFFICE OF THE ATTORNEY GENERAL ON A QUARTERLY BASIS:
25	(1) THE NUMBER OF WRITTEN GRIEVANCES SUBMITTED TO THE
26	PROVIDER UNDER THIS SECTION;
27	(2) THE NATURE OF THE GRIEVANCES; AND
28	(3) ANY ACTION TAKEN BY THE PROVIDER IN RESPONSE TO THE
20 29	CRIEVANCES.
30	10-430.

1 IF A SUBSCRIBER IS NOT SATISFIED WITH THE RESOLUTION OF A $\mathbf{2}$ GRIEVANCE AS DECIDED BY A PROVIDER UNDER § 10-428 OF THIS SUBTITLE. 3 THE SUBSCRIBER MAY SUBMIT A COMPLAINT TO THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL TO IDENTIFY, 4 5 **INVESTIGATE, AND RESOLVE THE COMPLAINT:** 6 (1) THAT IS MADE BY OR ON BEHALF OF A SUBSCRIBER; AND 7 (2) THAT RELATES TO ANY ACTION, INACTION, OR DECISION OF A 8 PROVIDER OR A REPRESENTATIVE OF A PROVIDER OF LONG-TERM CARE 9 SERVICES, A PUBLIC AGENCY, OR A HEALTH AND SOCIAL SERVICE AGENCY THAT 10 MAY ADVERSELY AFFECT THE HEALTH, SAFETY, WELFARE, OR RIGHTS OF THE SUBSCRIBER, INCLUDING THE RIGHTS OF A SUBSCRIBER WITH RESPECT TO THE 11 12APPOINTMENT AND ACTIVITIES OF GUARDIANS AND REPRESENTATIVE PAYEES. 13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, on or before December 1, 2008, a provider that has obtained a 14 certificate of registration to provide continuing care under Title 10, Subtitle 4 of the 1516 Human Services Article shall submit the following information to the Department of Aging and to the Health Education and Advocacy Unit in the Office of the Attorney 17 18 General: 19 the number of written grievances submitted to the provider under (1)§ 10–428 of the Human Services Article during calendar year 2007; 20 21(2)a brief summary of each grievance filed during calendar year 2007 22using only nonindividually identifiable information; and 23(3)any action taken by the provider regarding the resolution of each grievance filed during calendar year 2007. 2425SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect

26 October June 1, 2008.

Approved:

Governor.

 $\label{eq:speaker} Speaker \ of \ the \ House \ of \ Delegates.$