

CHAPTER 690

(House Bill 1351)

AN ACT concerning

Continuing Care Retirement Communities - ~~Subscriber Complaints and~~ ~~Investigations~~ Grievances

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

~~BY repealing and reenacting, with amendments,~~

~~Article — Human Services~~

~~Section 10-428~~

~~Annotated Code of Maryland~~

~~(2007 Volume)~~

~~BY adding to~~

~~Article — Human Services~~

~~Section 10-430~~

~~Annotated Code of Maryland~~

~~(2007 Volume)~~

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

~~Article — Human Services~~

~~10-428.~~

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

~~(b) The internal grievance procedure shall AT LEAST:~~

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

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

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

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

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

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

~~(C) A PROVIDER SHALL SUBMIT THE FOLLOWING INFORMATION TO THE DEPARTMENT AND TO THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL ON A QUARTERLY BASIS:~~

~~(1) THE NUMBER OF WRITTEN GRIEVANCES SUBMITTED TO THE PROVIDER UNDER THIS SECTION;~~

~~(2) THE NATURE OF THE GRIEVANCES; AND~~

~~(3) ANY ACTION TAKEN BY THE PROVIDER IN RESPONSE TO THE GRIEVANCES.~~

~~10-430.~~

~~IF A SUBSCRIBER IS NOT SATISFIED WITH THE RESOLUTION OF A GRIEVANCE AS DECIDED BY A PROVIDER UNDER § 10-428 OF THIS SUBTITLE, THE SUBSCRIBER MAY SUBMIT A COMPLAINT TO THE HEALTH EDUCATION AND ADVOCACY UNIT IN THE OFFICE OF THE ATTORNEY GENERAL TO IDENTIFY, INVESTIGATE, AND RESOLVE THE COMPLAINT:~~

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

~~(2) THAT RELATES TO ANY ACTION, INACTION, OR DECISION OF A PROVIDER OR A REPRESENTATIVE OF A PROVIDER OF LONG TERM CARE~~

~~SERVICES, A PUBLIC AGENCY, OR A HEALTH AND SOCIAL SERVICE AGENCY THAT MAY ADVERSELY AFFECT THE HEALTH, SAFETY, WELFARE, OR RIGHTS OF THE SUBSCRIBER, INCLUDING THE RIGHTS OF A SUBSCRIBER WITH RESPECT TO THE APPOINTMENT AND ACTIVITIES OF GUARDIANS AND REPRESENTATIVE PAYEES.~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, on or before December 1, 2008, a provider that has obtained a certificate of registration to provide continuing care under Title 10, Subtitle 4 of the 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 General:

(1) the number of written grievances submitted to the provider under § 10-428 of the Human Services Article during calendar year 2007;

(2) a brief summary of each grievance filed during calendar year 2007 using only nonindividually identifiable information; and

(3) any action taken by the provider regarding the resolution of each grievance filed during calendar year 2007.

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

Approved by the Governor, May 22, 2008.