

HOUSE BILL 843

J3, O2

9lr2309

By: **Delegates Love, Cardin, Costa, Kipke, Lafferty, Montgomery, Simmons, and Stein**

Introduced and read first time: February 11, 2009

Assigned to: Health and Government Operations

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; authorizing subscribers to submit a certain request to the Long-Term
8 Care Ombudsman under certain circumstances; requiring the Long-Term Care
9 Ombudsman to provide certain written conclusions to certain individuals and to
10 the Department of Aging; and generally relating to continuing care retirement
11 communities and subscriber complaints and investigations.

12 BY repealing and reenacting, with amendments,
13 Article – Human Services
14 Section 10–428
15 Annotated Code of Maryland
16 (2007 Volume and 2008 Supplement)

17 BY adding to
18 Article – Human Services
19 Section 10–430
20 Annotated Code of Maryland
21 (2007 Volume and 2008 Supplement)

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

24 **Article – Human Services**

25 10–428.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

4 (1) allow a subscriber **OR GROUP OF SUBSCRIBERS** to submit a
5 written grievance to the provider **IN ANY FORM**;

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

9 [(2)](3) require the provider to send a written acknowledgment to
10 the subscriber within 5 days after receipt of the written grievance;

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

13 [(3)](5) give a subscriber who files a written grievance the right to
14 meet with management of the provider within [45] **30** days after receipt of the written
15 grievance to present the subscriber's grievance; and

16 [(4)](6) require the provider to respond within 45 days after receipt
17 of the written grievance regarding the investigation and resolution of the grievance.

18 **10-430.**

19 (A) **IF A SUBSCRIBER IS NOT SATISFIED WITH THE RESOLUTION OF A**
20 **GRIEVANCE AS DECIDED BY A PROVIDER UNDER § 10-428 OF THIS SUBTITLE,**
21 **THE SUBSCRIBER MAY SUBMIT A REQUEST TO THE LONG-TERM CARE**
22 **OMBUDSMAN TO INVESTIGATE AND REVIEW THE COMPLAINT.**

23 (B) **THE LONG-TERM CARE OMBUDSMAN SHALL PROVIDE WRITTEN**
24 **CONCLUSIONS RELATED TO THE INVESTIGATION AND REVIEW OF THE**
25 **COMPLAINT TO THE GRIEVANT, THE MANAGEMENT OF THE RELEVANT**
26 **CONTINUING CARE RETIREMENT COMMUNITY, AND THE DEPARTMENT.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2009.