

# HOUSE BILL 843

J3, O2

9lr2309

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By: **Delegates Love, Cardin, Costa, Kipke, Lafferty, Montgomery, Simmons, ~~and Stein~~ Stein, V. Turner, Kullen, Pena-Melnyk, Nathan-Pulliam, Morhaim, Donoghue, Kach, McDonough, Benson, Tarrant, and Oaks**

Introduced and read first time: February 11, 2009

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Continuing Care Retirement Communities – ~~Subscriber Complaints and~~**  
3 **~~Investigations~~ Internal Grievance Procedure and Mediation**

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 providers to seek certain mediation services  
11 within a certain time after the conclusion of a certain internal grievance  
12 procedure; and generally relating to continuing care retirement communities  
13 and ~~subscriber complaints and investigations~~ internal grievance procedures and  
14 mediation.

15 BY repealing and reenacting, with amendments,

16 Article – Human Services

17 Section 10–428

18 Annotated Code of Maryland

19 (2007 Volume and 2008 Supplement)

20 ~~BY adding to~~

21 ~~Article – Human Services~~

22 ~~Section 10–430~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

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



~~Annotated Code of Maryland  
(2007 Volume and 2008 Supplement)~~

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 **OR GROUP OF SUBSCRIBERS COLLECTIVELY** to submit a written grievance to the provider ~~IN ANY FORM~~;

~~(2) ALLOW FOR THE ESTABLISHMENT OF A PANEL CONSISTING OF AT LEAST THREE 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) (3) REQUIRE THE PROVIDER TO ASSIGN PERSONNEL TO INVESTIGATE THE GRIEVANCE AND ITS CAUSE IN A PROMPT MANNER;~~

~~(3)(5) (4)~~ 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) (5)~~ require the provider to respond within 45 days after receipt of the written grievance regarding the investigation and resolution of the grievance.

**(C) (1) WITHIN 30 DAYS AFTER THE CONCLUSION OF AN INTERNAL GRIEVANCE PROCEDURE ESTABLISHED UNDER THIS SECTION, A SUBSCRIBER OR PROVIDER MAY SEEK MEDIATION THROUGH ONE OF THE COMMUNITY MEDIATION CENTERS IN THE STATE OR ANOTHER MEDIATION PROVIDER.**

**(2) IF A PROVIDER OR SUBSCRIBER SEEKS MEDIATION UNDER PARAGRAPH (1) OF THIS SUBSECTION:**

**(I) THE MEDIATION SHALL BE NONBINDING; AND**

1 (II) THE PROVIDER AND SUBSCRIBER MAY NOT BE  
2 REPRESENTED BY COUNSEL.

3 ~~10-430.~~

4 ~~(A) IF A SUBSCRIBER IS NOT SATISFIED WITH THE RESOLUTION OF A~~  
5 ~~GRIEVANCE AS DECIDED BY A PROVIDER UNDER § 10-428 OF THIS SUBTITLE,~~  
6 ~~THE SUBSCRIBER MAY SUBMIT A REQUEST TO THE LONG TERM CARE~~  
7 ~~OMBUDSMAN TO INVESTIGATE AND REVIEW THE COMPLAINT.~~

8 ~~(B) THE LONG TERM CARE OMBUDSMAN SHALL PROVIDE WRITTEN~~  
9 ~~CONCLUSIONS RELATED TO THE INVESTIGATION AND REVIEW OF THE~~  
10 ~~COMPLAINT TO THE GRIEVANT, THE MANAGEMENT OF THE RELEVANT~~  
11 ~~CONTINUING CARE RETIREMENT COMMUNITY, AND THE DEPARTMENT.~~

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.