

HOUSE BILL 658

E4

(2lr0124)

ENROLLED BILL

— *Health and Government Operations/ Education, Health, and
Environmental Affairs* —

Introduced by **Chair, Health and Government Operations Committee (By
Request – Departmental – Health and Mental Hygiene)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Emergency Management – Emergency Plans for Human**
3 **Service Facilities – and Dialysis Centers**

4 FOR the purpose of ~~altering the definition of “human service facility” to include~~
5 ~~certain kidney dialysis centers for purposes of certain provisions of law~~
6 ~~requiring a human service facility to develop a certain emergency plan;~~
7 ~~providing that a human service facility is~~ *certain facilities and centers are* solely
8 responsible for certain financial obligations arising from certain activations of a
9 certain emergency plan; specifying that certain provisions of this Act do not
10 prohibit a ~~human service facility~~ *certain facility or center* from applying for and
11 receiving certain reimbursement; *requiring certain kidney dialysis centers to*
12 *have certain emergency plans; requiring certain plans to include certain policies*
13 *and procedures; requiring certain kidney dialysis centers to provide access to*

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.

Italics indicate opposite chamber/conference committee amendments.



1 certain plans to certain organizations for emergency management; requiring the
 2 Department of Health and Mental Hygiene to adopt certain regulations on or
 3 before a certain date in consultation with representatives of certain entities;
 4 requiring the Department to ensure that certain regulations do not conflict with
 5 certain federal requirements; defining a certain term; and generally relating to
 6 emergency plans for human service facilities and kidney dialysis centers.

7 BY repealing and reenacting, with amendments,
 8 Article – Public Safety
 9 Section 14–110.1
 10 Annotated Code of Maryland
 11 (2011 Replacement Volume)

12 BY adding to
 13 Article – Public Safety
 14 Section 14–110.2
 15 Annotated Code of Maryland
 16 (2011 Replacement Volume)

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

19 **Article – Public Safety**

20 14–110.1.

21 (a) In this section, “human service facility” means a facility licensed by the
 22 State that is:

23 (1) a nursing home, as defined in § 19–1401 of the Health – General
 24 Article;

25 (2) an assisted living facility, as defined in § 19–1801 of the
 26 Health – General Article;

27 (3) a hospital, as defined in § 19–301 of the Health – General Article;

28 (4) a related institution as defined in § 19–301 of the Health – General
 29 Article;

30 (5) a State–operated institution for mental disease;

31 (6) a group home as defined in § 7–101 of the Health – General Article;

32 (7) an alternative living unit as defined in § 7–101 of the
 33 Health – General Article; ~~and~~

1 (8) a State residential center as defined in § 7-101 of the
2 Health – General Article;~~AND~~

3 ~~(9) A KIDNEY DIALYSIS CENTER AS DEFINED IN § 19-3B-01 OF~~
4 ~~THE HEALTH – GENERAL ARTICLE.~~

5 (b) A human service facility shall develop an emergency plan.

6 (c) An emergency plan shall include procedures that will be followed before,
7 during, and after an emergency to address:

8 (1) the evacuation, transportation, or shelter-in-place of individuals
9 served by the human service facility;

10 (2) the notification to families, staff, and licensing authorities
11 regarding the action that will be taken concerning the safety and well-being of the
12 individuals served by the human service facility;

13 (3) staff coverage, organization, and assignment of responsibilities;
14 and

15 (4) the continuity of operations, including:

16 (i) procuring essential goods, equipment, and services; and

17 (ii) relocation to alternate facilities.

18 **(D) (1) THIS SUBSECTION DOES NOT PROHIBIT A HUMAN SERVICE**
19 **FACILITY FROM APPLYING FOR AND RECEIVING REIMBURSEMENT:**

20 **(I) UNDER ANY APPLICABLE INSURANCE POLICY; OR**

21 **(II) FROM ANY STATE OR FEDERAL FUNDS THAT MAY BE**
22 **AVAILABLE DUE TO A DECLARED STATE OR FEDERAL EMERGENCY.**

23 **(2) A HUMAN SERVICE FACILITY IS SOLELY RESPONSIBLE FOR**
24 **ANY FINANCIAL OBLIGATION ARISING FROM VOLUNTARY OR MANDATORY**
25 **ACTIVATION OF ANY ASPECT OF THE EMERGENCY PLAN DEVELOPED BY THE**
26 **HUMAN SERVICE FACILITY UNDER THIS SECTION.**

27 **[(d)] (E)** (1) On or before November 30, 2007, a State agency that is
28 responsible for the licensing of a human service facility shall adopt regulations
29 governing the development of emergency plans under this section.

30 (2) Regulations adopted under paragraph (1) of this subsection shall
31 be developed in consultation with representatives of:

- 1 (i) the Maryland Emergency Management Agency;
- 2 (ii) the Maryland Institute for Emergency Medical Services
3 Systems;
- 4 (iii) local organizations for emergency management; and
- 5 (iv) human service facilities.

6 [(e)] (F) For purposes of coordinating local emergency planning efforts, a
7 human service facility shall provide access to the emergency plans developed under
8 this section to local organizations for emergency management.

9 14-110.2.

10 (A) IN THIS SECTION, "KIDNEY DIALYSIS CENTER" HAS THE MEANING
11 STATED IN § 19-3B-01 OF THE HEALTH – GENERAL ARTICLE.

12 (B) A KIDNEY DIALYSIS CENTER SHALL HAVE AN EMERGENCY PLAN.

13 (C) AN EMERGENCY PLAN SHALL INCLUDE POLICIES AND PROCEDURES
14 THAT WILL BE FOLLOWED BEFORE, DURING, AND AFTER AN EMERGENCY TO
15 ADDRESS:

16 (1) THE SAFE MANAGEMENT OF INDIVIDUALS WHO ARE
17 RECEIVING SERVICES AT THE KIDNEY DIALYSIS CENTER WHEN AN EMERGENCY
18 OCCURS;

19 (2) NOTIFICATION OF PATIENTS, FAMILIES, STAFF, AND
20 LICENSING AUTHORITIES REGARDING ACTIONS THAT WILL BE TAKEN
21 CONCERNING THE PROVISION OF DIALYSIS SERVICES TO THE INDIVIDUALS
22 SERVED BY THE KIDNEY DIALYSIS CENTER;

23 (3) STAFF COVERAGE, ORGANIZATION, AND ASSIGNMENT OF
24 RESPONSIBILITIES; AND

25 (4) THE CONTINUITY OF OPERATIONS, INCLUDING PROCEDURES
26 TO SECURE ACCESS TO ESSENTIAL GOODS, EQUIPMENT, AND DIALYSIS
27 SERVICES.

28 (D) (1) THIS SUBSECTION DOES NOT PROHIBIT A KIDNEY DIALYSIS
29 CENTER FROM APPLYING FOR AND RECEIVING REIMBURSEMENT:

30 (I) UNDER ANY APPLICABLE INSURANCE POLICY; OR

1 (II) FROM ANY STATE OR FEDERAL FUNDS THAT MAY BE
2 AVAILABLE DUE TO A DECLARED STATE OR FEDERAL EMERGENCY.

3 (2) A KIDNEY DIALYSIS CENTER IS SOLELY RESPONSIBLE FOR ANY
4 FINANCIAL OBLIGATION ARISING FROM VOLUNTARY OR MANDATORY
5 ACTIVATION OF ANY ASPECT OF THE EMERGENCY PLAN DEVELOPED BY THE
6 KIDNEY DIALYSIS CENTER UNDER THIS SECTION.

7 (E) FOR PURPOSES OF COORDINATING LOCAL EMERGENCY PLANNING
8 EFFORTS, A KIDNEY DIALYSIS CENTER SHALL PROVIDE ACCESS TO THE
9 EMERGENCY PLANS DEVELOPED UNDER THIS SECTION TO LOCAL
10 ORGANIZATIONS FOR EMERGENCY MANAGEMENT.

11 SECTION 2. AND BE IT FURTHER ENACTED, That, ~~on~~:

12 (a) On or before January 1, 2013, the Department of Health and Mental
13 Hygiene shall adopt regulations governing the development of emergency plans by
14 kidney dialysis centers subject to Section 1 of this Act, in consultation with
15 representatives of:

- 16 (1) the Maryland Emergency Management Agency;
- 17 (2) the Maryland Institute for Emergency Medical Services Systems;
- 18 (3) local organizations for emergency management; and
- 19 (4) kidney dialysis centers.

20 (b) In developing the regulations required under this section, the Department
21 shall ensure that the requirements for emergency plans for kidney dialysis centers
22 under this Act do not conflict with federal requirements of kidney dialysis centers.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2012.