

# HOUSE BILL 658

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

Introduced and read first time: February 8, 2012

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 7, 2012

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

1 AN ACT concerning

2 **Public Safety – Emergency Management – Emergency Plans for Human**  
3 **Service Facilities – 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 solely responsible for certain financial  
8 obligations arising from certain activations of a certain emergency plan;  
9 specifying that certain provisions of this Act do not prohibit a human service  
10 facility from applying for and receiving certain reimbursement; requiring the  
11 Department of Health and Mental Hygiene to adopt certain regulations on or  
12 before a certain date in consultation with representatives of certain entities;  
13 and generally relating to emergency plans for human service facilities.

14 BY repealing and reenacting, with amendments,  
15 Article – Public Safety  
16 Section 14–110.1  
17 Annotated Code of Maryland  
18 (2011 Replacement Volume)

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

21 **Article – Public Safety**

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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.



1 14-110.1.

2 (a) In this section, "human service facility" means a facility licensed by the  
3 State that is:

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

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

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

9 (4) a related institution as defined in § 19-301 of the Health – General  
10 Article;

11 (5) a State-operated institution for mental disease;

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

13 (7) an alternative living unit as defined in § 7-101 of the  
14 Health – General Article; [and]

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

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

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

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

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

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

27 (3) staff coverage, organization, and assignment of responsibilities;  
28 and

29 (4) the continuity of operations, including:

- 1 (i) procuring essential goods, equipment, and services; and  
2 (ii) relocation to alternate facilities.

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

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

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

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

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

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

- 17 (i) the Maryland Emergency Management Agency;  
18 (ii) the Maryland Institute for Emergency Medical Services  
19 Systems;  
20 (iii) local organizations for emergency management; and  
21 (iv) human service facilities.

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

25 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,  
26 2013, the Department of Health and Mental Hygiene shall adopt regulations  
27 governing the development of emergency plans by kidney dialysis centers subject to  
28 Section 1 of this Act, in consultation with representatives of:

- 29 (1) the Maryland Emergency Management Agency;  
30 (2) the Maryland Institute for Emergency Medical Services Systems;

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1                   (3)    local organizations for emergency management; and

2                   (4)    kidney dialysis centers.

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.