

SENATE BILL 737

J2, J1, J3

(2lr2423)

ENROLLED BILL

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

Introduced by **Senator Rosapepe**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Nursing Home Administrator License – Revocation or Surrender – Ban on**
3 **Employment**

4 FOR the purpose of prohibiting certain nursing homes or nursing home management
5 firms from knowingly employing or retaining as a consultant an individual who
6 has surrendered a nursing home administrator license under certain
7 circumstances to the State Board of Nursing Home Administrators or has had a
8 nursing home administrator license revoked by the Board based on certain
9 grounds for discipline except in certain circumstances; prohibiting the
10 Department of Health and Mental Hygiene from reimbursing certain nursing
11 homes, related institutions, or management firms of certain nursing homes or
12 related institutions under the Maryland Medical Assistance Program if the
13 facility, related institution, or firm knowingly employs or retains as a consultant
14 a certain individual who has surrendered a certain license under certain

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 circumstances or has had a certain license revoked under certain circumstances;
 2 defining a certain term; and generally relating to prohibiting nursing homes,
 3 related institutions, and management firms of nursing homes and related
 4 institutions from knowingly employing an individual who has surrendered a
 5 nursing home administrator license or has had a nursing home administrator
 6 license revoked.

7 BY adding to
 8 Article – Health Occupations
 9 Section 9–314.2
 10 Annotated Code of Maryland
 11 (2009 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, without amendments,
 13 Article – Health – General
 14 Section 15–114(a) and (b)
 15 Annotated Code of Maryland
 16 (2009 Replacement Volume and 2011 Supplement)

17 BY repealing and reenacting, with amendments,
 18 Article – Health – General
 19 Section 15–114(c)
 20 Annotated Code of Maryland
 21 (2009 Replacement Volume and 2011 Supplement)

22 BY adding to
 23 Article – Health – General
 24 Section 15–114(f)
 25 Annotated Code of Maryland
 26 (2009 Replacement Volume and 2011 Supplement)

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

29 **Article – Health Occupations**

30 **9–314.2.**

31 **(A) IN THIS SECTION, “NURSING HOME MANAGEMENT FIRM” MEANS AN**
 32 **ORGANIZATION THAT:**

33 **(1) IS INTENDED TO HAVE OR HAS FULL RESPONSIBILITY AND**
 34 **CONTROL FOR THE DAY–TO–DAY OPERATIONS OF A NURSING HOME; AND**

35 **(2) IS UNDER CONTRACT WITH:**

1 (I) AN APPLICANT FOR A LICENSE FROM THE SECRETARY
 2 TO ESTABLISH, OPERATE, OR CONTINUE THE OPERATION OF AN EXISTING
 3 NURSING FACILITY; OR

4 (II) A HOLDER OF A LICENSE FROM THE SECRETARY TO
 5 OPERATE A NURSING FACILITY.

6 (B) (1) ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
 7 SUBSECTION, A NURSING HOME OR A NURSING HOME MANAGEMENT FIRM MAY
 8 NOT KNOWINGLY EMPLOY OR RETAIN AS A CONSULTANT AN INDIVIDUAL WHO,
 9 FOR AN ACTIVITY DESCRIBED IN § 9-314(B)(8), (9), OR (10) OF THIS SUBTITLE,
 10 HAS SURRENDERED A LICENSE UNDER § 9-313 OF THIS SUBTITLE OR HAS HAD A
 11 LICENSE REVOKED UNDER ~~§ 9-314(B)(8), (9), OR (10)~~ § 9-314 OF THIS
 12 SUBTITLE.

13 (2) A NURSING HOME OR NURSING HOME MANAGEMENT FIRM
 14 MAY HIRE OR RETAIN AS A CONSULTANT AN INDIVIDUAL WHO HAD A LICENSE
 15 REVOKED UNDER THIS SUBTITLE, BUT HAD ~~THEIR~~ THE LICENSE RESTORED BY
 16 THE BOARD, AND WHO IS NOW A LICENSEE IN GOOD STANDING UNDER THE
 17 PROVISIONS OF THIS TITLE.

18 Article - Health - General

19 15-114.

20 (a) In this section, "related institution" includes any of the following
 21 facilities, as classified from time to time by law, rule, or regulation:

- 22 (1) A comprehensive care facility;
- 23 (2) An extended care facility;
- 24 (3) An intermediate care facility; and
- 25 (4) A skilled nursing facility.

26 (b) This section applies only to the extent that federal funds are available for
 27 reimbursement under this section.

28 (c) [In] **EXCEPT AS PROVIDED IN SUBSECTION (F) OF THIS SECTION,**
 29 **AND IN** accordance with subsection (e) of this section, the Department shall reimburse
 30 each hospital-based related institution that:

- 31 (1) Is a distinct part of an acute or chronic hospital; and

1 (2) On and after July 1, 1980, is licensed as a related institution.

2 (F) (1) IN THIS SUBSECTION, "MANAGEMENT FIRM" MEANS AN
3 ORGANIZATION THAT:

4 (I) IS INTENDED TO HAVE OR HAS FULL RESPONSIBILITY
5 AND CONTROL FOR THE DAY-TO-DAY OPERATIONS OF A NURSING HOME OR
6 RELATED INSTITUTION; AND

7 (II) IS UNDER CONTRACT WITH:

8 1. AN APPLICANT FOR A LICENSE FROM THE
9 SECRETARY TO ESTABLISH, OPERATE, OR CONTINUE THE OPERATION OF AN
10 EXISTING NURSING HOME OR RELATED INSTITUTION; OR

11 2. A HOLDER OF A LICENSE FROM THE SECRETARY
12 TO OPERATE A NURSING HOME OR RELATED INSTITUTION.

13 (2) THE DEPARTMENT MAY NOT REIMBURSE A NURSING HOME
14 OR RELATED INSTITUTION IF THE NURSING HOME OR RELATED INSTITUTION OR
15 A MANAGEMENT FIRM OF A NURSING HOME OR RELATED INSTITUTION
16 KNOWINGLY EMPLOYS OR RETAINS AS A CONSULTANT AN INDIVIDUAL WHO, FOR
17 AN ACTIVITY DESCRIBED IN § 9-314(B)(8), (9), OR (10) OF THE HEALTH
18 OCCUPATIONS ARTICLE, HAS:

19 (I) ~~SURRENDERED~~ SURRENDERED A NURSING HOME
20 ADMINISTRATOR LICENSE UNDER § 9-313 OF THE HEALTH OCCUPATIONS
21 ARTICLE; OR ~~HAS~~

22 (II) ~~HAS HAD~~ HAD A NURSING HOME ADMINISTRATOR
23 LICENSE REVOKED UNDER ~~§ 9-314(B)(8), (9), OR (10)~~ § 9-314 OF THE HEALTH
24 OCCUPATIONS ARTICLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2012.