

Department of Legislative Services  
Maryland General Assembly  
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 27  
Finance

(Senator Simonaire)

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**Health Care Facilities - Notification of Death of Resident Under Guardianship**

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This bill requires a “related institution” that is a comprehensive care facility or an extended care facility to, upon the death of a resident under guardianship, notify both the guardian and an interested family member. An “interested family member” is a family member of a resident under guardianship who has provided the facility with contact information.

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**Fiscal Summary**

**State Effect:** The bill is not expected to materially affect governmental finances or operations.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Under State regulations for comprehensive care facilities and extended care facilities, a facility administrator (or the administrator’s designee) must notify the agency or relative responsible for a patient upon the patient’s death or transfer from the facility.

Federal regulations require a nursing home to notify a resident’s legal representative or interested family member (if known) when there is a need to alter treatment significantly; a decision to transfer or discharge the resident; an accident involving the resident which

results in injury and may require physician intervention; or a significant change in the resident's physical, mental, or psychological status.

A "related institution" is an organized institution, environment, or home that maintains conditions or facilities and equipment to provide domiciliary, personal, or nursing care for two or more unrelated individuals (admitted or retained by the institution for overnight care) who are dependent on the administrator, operator, or proprietor for nursing care or the subsistence of daily living in a safe, sanitary, and healthful environment.

**State Fiscal Effect:** The Developmental Disabilities Administration (DDA) advises that DDA-operated facilities affected by the bill already have in place policies that require staff to notify, upon a patient's death, both the patient's guardian and an interested family member. Similarly, the Family Health Administration (FHA) advises that FHA-operated facilities affected by the bill already have such policies in place with respect to interested family members, and that any costs associated with providing additional notification to a patient's guardian are assumed to be minimal and absorbable. Thus, the bill is not expected to materially affect governmental finances or operations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Department of Health and Mental Hygiene, Department of Legislative Services

**Fiscal Note History:** First Reader - January 11, 2012  
ncs/mwc

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