SENATE BILL 596

J3 5lr0029

By: Chair, Finance Committee (By Request - Departmental - Health and Mental Hygiene)

Introduced and read first time: February 6, 2015

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2015

CHAPTER _____

1 AN ACT concerning

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Health Care Facilities - Surveys, Inspections, and External Reviews

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to survey 4 freestanding ambulatory care facilities in accordance with certain regulations, with 5 a certain exception; requiring the Department to survey each freestanding birthing 6 center at a certain frequency; requiring the Department to inspect the operations of 7 each home health agency at a certain frequency; repealing a provision of law 8 authorizing a certain professional standards review organization to conduct an 9 external review of health maintenance organizations; exempting certain accredited 10 health maintenance organizations from a certain external review; altering the 11 frequency at which the Department must make a site visit and conduct a survey of 12 each licensed nursing home; repealing an exception to the licensed nursing home site visit and survey requirements; providing for the termination of this Act; and 13 generally relating to surveys, inspections, and external reviews of health care 14 facilities. 15

- 16 BY repealing and reenacting, with amendments,
- 17 Article Health General
- 18 Section 19–3B–03, 19–407, 19–705.1(f), and 19–1408
- 19 Annotated Code of Maryland
- 20 (2009 Replacement Volume and 2014 Supplement)
- 21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
- 22 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

<u>Underlining</u> indicates amendments to bill.

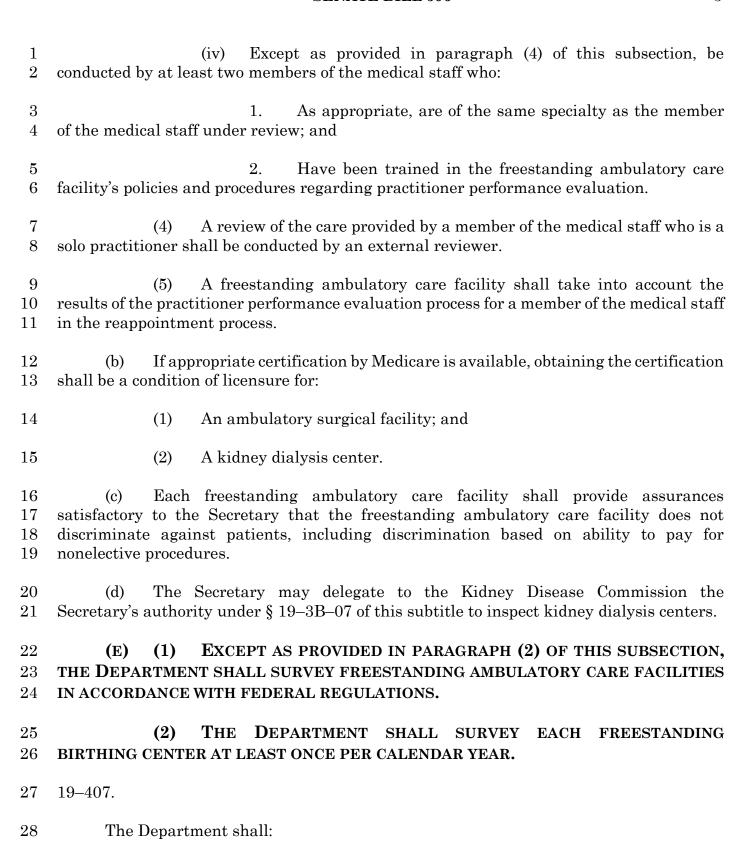
Strike out indicates matter stricken from the bill by amendment or deleted from the law by amendment.



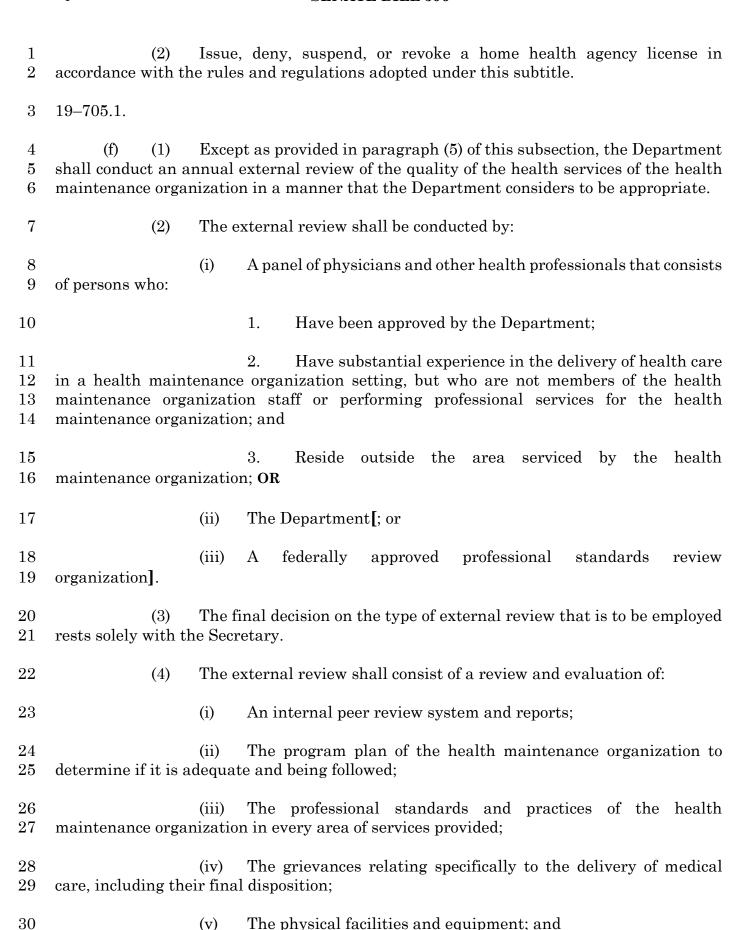
patient's condition; and

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Article - Health - General 1 2 19-3B-03. 3 (a) After consultation with representatives of payors, health care (1) practitioners, and ambulatory care facilities, the Secretary shall by regulation establish: 4 (i) Procedures to implement the provisions of this subtitle; and 5 6 (ii) Standards to ensure quality of care and patient safety that shall 7 include: 8 1. Procedures for credentialing and practitioner performance 9 evaluation: 10 2. Qualifications of health care practitioners and support 11 personnel; 12 3. Procedures to be followed in the event of an emergency, including a requirement that in the event of an emergency the patient be transported to 13 the nearest appropriate emergency care facility; 14 15 4. Procedures for quality control of any biomedical 16 equipment; 17 5. Procedures for postoperative recovery; 18 6. Procedures for discharge; and 19 7. Any other procedures that the Secretary considers 20 necessary for quality of care and patient safety. 21 (2)The procedures for practitioner performance evaluation required under paragraph (1)(ii)1 of this subsection shall include a review of care provided to patients at 22 the freestanding ambulatory care facility by members of the medical staff. 2324The review of care shall: (3)25 Be undertaken for cases chosen at random and for cases with (i) 26 unexpected adverse outcomes; 27 Be based on objective review standards; (ii) 28 (iii) Include a review of the appropriateness of the plan of care for the 29 patient, particularly any medical procedures performed on the patient, in relation to the



29 (1) Inspect the operations of each home health agency **AT LEAST EVERY 3**30 **YEARS** to determine whether it is meeting the requirements of this subtitle and the rules
31 and regulations adopted under it; and



1	(vi) A statistically representative sample of member records.
2 3 4	(5) A HEALTH MAINTENANCE ORGANIZATION ACCREDITED BY AN ACCREDITATION ORGANIZATION APPROVED BY THE SECRETARY IN ACCORDANCE WITH § 19–2302 OF THIS TITLE SHALL BE EXEMPT FROM THE EXTERNAL REVIEW.
5	19–1408.
6 7	(a) The Department shall make a site visit and conduct a full survey of each licensed nursing home at least [two times] ONCE per calendar year.
8 9 10 11	(b) [The Department may waive the requirements of subsection (a) of this section for a nursing home that, in the two most recent surveys of the nursing home conducted after October 1, 2000, has had no deficiencies that have the potential for minimum harm or greater.
12	(c)] All surveys shall be unannounced.
13 14 15 16	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2015. It shall remain effective for a period of 5 years and, at the end of September 30, 2020, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.
	Approved:
	Governor.
	President of the Senate.
	Speaker of the House of Delegates.