

Chapter 473

(Senate Bill 4)

AN ACT concerning

**Department of Aging – Study of Nursing Home Quality of Care
Oversight Committee on Quality of Care in Nursing Homes and Assisted Living
Facilities – Revisions**

FOR the purpose of ~~requiring the Department of Aging to study the quality of care in nursing homes in Maryland; requiring the Department to review, assess, and examine certain matters related to the quality of care in nursing homes; requiring the Department to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; and generally relating to the study of quality of care in nursing homes in Maryland~~ altering the membership, powers, and duties of the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities; providing that the designee of the Secretary of Aging may chair the Oversight Committee; requiring the Oversight Committee to review changes to the membership and duties of the Oversight Committee enacted by this Act and make certain recommendations to the Senate Finance Committee and the House Health and Government Operations Committee on or before a certain date; providing for the construction of this Act; and generally relating to the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19-1409

Annotated Code of Maryland

(2015 Replacement Volume and 2017 Supplement)

~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~

~~That:~~

~~(a) The Department of Aging shall study the quality of care in nursing homes in Maryland.~~

~~(b) As part of the study required under subsection (a) of this section, the Department shall:~~

~~(1) examine and assess the number and types of complaints made to the Office of Health Care Quality regarding patient care in nursing homes;~~

~~(2) examine and assess the results of scheduled and unscheduled nursing home inspections by the Office of Health Care Quality;~~

~~(3) review the number and the level of compensation of inspectors employed by the Office of Health Care Quality; and~~

~~(4) examine the efforts of nursing homes to address complaints and to comply with findings of the Office of Health Care Quality.~~

~~(e) On or before December 1, 2018, the Department of Aging shall report its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.~~

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

Article – Health – General

19-1409.

(a) There is an Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.

(b) The Oversight Committee shall consist of the following members:

(1) One member of the Senate Finance Committee, appointed by the President of the Senate;

(2) One member of the Senate Education, Health, and Environmental Affairs Committee, appointed by the President of the Senate;

(3) Two members of the House Health and Government Operations Committee, appointed by the Speaker of the House;

(4) The Secretary [of the Department] of Aging, OR THE SECRETARY'S DESIGNEE;

(5) The Secretary of Health, or the Secretary's designee;

(6) THE DIRECTOR OF THE OFFICE OF HEALTH CARE QUALITY, OR THE DIRECTOR'S DESIGNEE;

~~[(6)] (7) One representative from the Maryland Department of Health's Behavioral Health Administration, APPOINTED BY THE~~ THE DEPUTY SECRETARY FOR BEHAVIORAL HEALTH, OR THE DEPUTY SECRETARY'S DESIGNEE;

~~[(7)] (8) The Secretary of Human Services, or the Secretary's designee;~~

(9) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;

(10) THE STATE LONG-TERM CARE OMBUDSMAN;

[(8)] (11) [Three] TWO representatives of area agencies on aging, one of which shall be a member of a local long-term care ombudsman program established under Title 10, Subtitle 9 of the Human Services Article, [appointed by the Secretary of Aging] SELECTED BY THE PRESIDENT OF THE MARYLAND ASSOCIATION OF AREA AGENCIES ON AGING;

(12) ONE REPRESENTATIVE OF A LOCAL LONG-TERM CARE OMBUDSMAN ENTITY, SELECTED BY THE STATE LONG-TERM CARE OMBUDSMAN;

(13) THREE CONSUMER MEMBERS, SELECTED BY THE STATE LONG-TERM CARE OMBUDSMAN, ALL OF WHOM SHALL BE CONSUMERS LIVING IN AN ASSISTED LIVING FACILITY OR A NURSING HOME OR HAVE A FAMILY MEMBER LIVING IN AN ASSISTED LIVING FACILITY OR A NURSING HOME; AND

(14) THE FOLLOWING REPRESENTATIVES, SELECTED BY THE ORGANIZATIONS THE INDIVIDUAL REPRESENTS:

[(9)] (I) One representative from the Health Facilities Association of Maryland;

[(10)] (II) One representative from the Mid-Atlantic LifeSpan;

[(11)] (III) One representative of the Hospice Network of Maryland;

[(12)] (IV) One representative of the Maryland Hospital Association;

[(13)] (V) One representative of [the Service Employees International Union] 1199SEIU UNITED HEALTH WORKERS EAST;

[(14)] (VI) One representative of the Maryland Chapter of AARP;

[(15)] (VII) One representative of United Seniors of Maryland;

[(16)] (VIII) One representative of Voices for Quality Care;

[(17)] (IX) One representative of the Mental Health Association OF MARYLAND knowledgeable in [elderly] issues OF AGING;

~~[(18)] (X)~~ One representative of the Greater Maryland Chapter of the Alzheimer's Association; AND

~~(XI)~~ ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF ADULT DAY SERVICES; AND

~~[(19)] (15)~~ Three representatives from the assisted living industry, of which one shall represent a program that cares for one to four residents, one shall represent a program that cares for five to nine residents, and one shall represent a program that cares for more than 10 residents; and

~~(20)~~ Three consumer members appointed by the Governor, one of whom shall be a consumer living in an assisted living facility] AND

~~(XI)~~ ONE REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF ADULT DAY SERVICES.

(c) The Secretary of Aging, OR THE SECRETARY'S DESIGNEE, shall chair the Oversight Committee.

(d) The Oversight Committee shall evaluate the progress in improving nursing home care quality and assisted living facility quality statewide, [including] WHICH MAY INCLUDE consideration of:

(1) Quality of care standards for nursing homes and assisted living facilities;

(2) Standards for the identification of the onset of dementia and Alzheimer's disease;

(3) Standards for the identification of conditions appropriate for hospice services;

(4) Staffing patterns and staffing standards;

(5) Policies and procedures for inspecting nursing homes and assisted living facilities, and responding to quality of care complaints;

(6) A comparison of Maryland standards, policies, and procedures to those in other states;

(7) The labor pool available to fill nursing and nursing aide jobs;

(8) State funding mechanisms for nursing homes and assisted living facilities, including the Medicaid Nursing Home Reimbursement System, POTENTIAL

BARRIERS TO ELIGIBILITY IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM, POTENTIAL BARRIERS TO THE TIMELY PAYMENT OF CLAIMS SUBMITTED TO THE MARYLAND MEDICAL ASSISTANCE PROGRAM, and regulation of nursing homes; [and]

(9) The provision and quality of [mental] DEMENTIA CARE and behavioral health [care] SUPPORTS AND services to meet the needs of nursing home and assisted living facility residents;

(10) STAFF TRAINING AND DEVELOPMENT;

(11) THE RIGHTS OF RESIDENTS;

(12) DATA ON RESIDENT SATISFACTION;

(13) RESIDENT ASSESSMENTS;

(14) RESIDENT CARE PLANNING;

(15) THE MONITORING OF RESIDENTS; AND

(16) THE CHANGE OF RESIDENT STATUS.

(e) The Office of Health Care Quality in the Maryland Department of Health shall submit a report to the Oversight Committee annually on the status of quality of care in nursing homes and assisted living facilities.

(f) The Deputy Secretary of Health Care Financing, or the Deputy Secretary's designee, shall report annually to the Oversight Committee on the status of the Medicaid Nursing Home Reimbursement System, which shall include but not be limited to:

(1) Elements of the existing methodology that are no longer relevant;

(2) Elements of the existing methodology that can be revised;

(3) The appropriateness of redesigning the system given changing demographics of the target population; and

(4) General Fund and federal fund savings from a system redesign that may be redirected to nursing home staff development in the nursing cost center.

(g) The Oversight Committee shall review the reports of the Office of Health Care Quality and the Deputy Secretary of Health Care Financing and develop recommendations to continue improvement in nursing home and assisted living facility care.

(H) THE OVERSIGHT COMMITTEE MAY:

(1) REVIEW LEGISLATION INTRODUCED IN THE GENERAL ASSEMBLY THAT MAY AFFECT NURSING HOME AND ASSISTED LIVING FACILITY CARE; AND

(2) MAKE RECOMMENDATIONS ABOUT THE LEGISLATION TO THE GENERAL ASSEMBLY.

(I) THE OVERSIGHT COMMITTEE MAY:

(1) REVIEW PROPOSED REGULATIONS THAT MAY AFFECT NURSING HOME AND ASSISTED LIVING FACILITY CARE; AND

(2) MAKE RECOMMENDATIONS ABOUT THE REGULATIONS TO THE DEPARTMENTS PROPOSING THE REGULATIONS AND TO THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

[(h)] (J) The Oversight Committee shall report its findings and recommendations to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly on or before December 1 of each year.

[(i)] (K) The Department of Aging, with assistance from the Maryland Department of Health, the Department of Human Services, and the Department of Legislative Services, shall provide staff support for the Oversight Committee.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before November 1, 2018, the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities shall review the changes to the membership and duties of the Oversight Committee enacted by this Act and, subject to § 2–1246 of the State Government Article, make recommendations on any additional legislative changes that may be necessary to the Senate Finance Committee and the House Health and Government Operations Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That § 19–1409(b) of the Health – General Article, as enacted by Section 1 of this Act, may not be construed to require the resignation or replacement of any members currently serving on the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities solely on the basis of who selected or appointed the individual to serve on the Oversight Committee.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2018.

Approved by the Governor, May 8, 2018.