

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1299 (Delegate Lam, *et al.*)
Health and Government Operations

Nursing Facilities - Discharge Plans - Review and Signature Requirement

This bill requires a social worker, nurse, nurse practitioner, physician's assistant, or physician to review and sign a discharge plan for a resident of a nursing facility before the facility discharges the resident.

Fiscal Summary

State Effect: The bill is not anticipated to impact State finances or operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A nursing facility must provide a resident with written notice of any proposed discharge or transfer and the opportunity for a hearing before the discharge or transfer. The Maryland Department of Health (MDH) must provide each facility with a standardized form that provides, in clear and simple language, at least the following information:

- notice of the intended discharge or transfer of the resident;
- each reason for the discharge or transfer;
- the right of the resident to request a hearing;
- the right of the resident to consult with any lawyer the resident chooses;

- the availability of the services of the Legal Aid Bureau, the Older American Act Senior Legal Assistance Programs, and other agencies that may provide assistance to individuals who need legal counsel;
- the availability of the Department of Aging and local Office on Aging Long-Term Care Ombudsman to assist the resident; and
- legal requirements regarding provision of notice regarding a discharge or transfer and the right to appeal.

Generally, at least 30 days before the facility *involuntarily* transfers or discharges a resident, the facility must provide to the resident the written notice required as well as provide the written notice to (1) the next of kin, guardian, or any other individual known to have acted as the individual's representative, if any; (2) the Long-Term Care Ombudsman; and (3) MDH. In accordance with specified regulations adopted by the Secretary of Health, the facility must provide the resident with an opportunity for a hearing on the proposed transfer or discharge.

A facility may not involuntarily discharge or transfer a resident unless, within 48 hours before the discharge or transfer, the facility provided or obtained a comprehensive medical assessment and evaluation of the resident, a post discharge plan of care for the resident, and written documentation from the resident's attending physician that the transfer or discharge is in accordance with the post discharge plan of care and is not contraindicated by the resident's medical condition. A facility must also provide specified information to the resident.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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Analysis by: Nathan W. McCurdy

Direct Inquiries to:
(410) 946-5510
(301) 970-5510