

HOUSE BILL 207

J3

1lr1456

(PRE-FILED)

By: **Delegate Wilson**

Requested: November 1, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Nursing Homes – Resident Change in Condition – Notification and Consultation**
3 **With Physician**

4 FOR the purpose of altering a certain provision of law requiring a nursing home to provide
5 certain notification regarding a certain change in condition of a resident to the
6 resident or certain individuals to require the notification to be provided ~~within a~~
7 ~~certain time period~~ immediately, rather than in a timely manner; altering a certain
8 provision of law to require a nursing home to immediately consult with a certain
9 physician regarding certain changes in condition of a resident and to alter the list of
10 changes in condition with respect to which a nursing home is to make a certain
11 notification; altering a certain definition; and generally relating to nursing homes,
12 nursing home residents, and changes in condition.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 19–1415
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2020 Supplement)

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

20 **Article – Health – General**

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.



1 19-1415.

2 (a) In this section, "change in condition" means a significant change in the
3 resident's physical, mental, or psychological status including:

- 4 (1) Life-threatening conditions such as heart attack or stroke;
- 5 (2) Clinical complications such as:
- 6 (i) Development of a pressure sore;
- 7 (ii) Onset of recurrent periods of delirium;
- 8 (iii) Onset of recurrent urinary tract infection;
- 9 (iv) Onset of depression; or
- 10 (v) Onset of aggressive or inappropriate behavior;
- 11 (3) The need to ~~discontinue a medication or~~ **ALTER** treatment because of:
- 12 (i) Adverse consequences; or
- 13 (ii) The need to begin a new form of treatment;
- 14 (4) Evaluation at or admission to a hospital; and
- 15 (5) Accidents that result in injury having the potential for requiring a
16 physician's intervention.

17 (b) Consistent with State and federal confidentiality laws [and in a timely
18 manner], a nursing home shall **IMMEDIATELY** notify a resident and, if applicable, the
19 resident's representative or interested family member ~~[of] WITHIN 24 HOURS AFTER AND~~
20 **CONSULT WITH THE RESIDENT'S PHYSICIAN REGARDING** any:

- 21 (1) Change in condition;
- 22 (2) Adverse event that may result in a change in condition;
- 23 (3) Outcome or care that results in an unanticipated consequence; ~~or~~
- 24 (4) Corrective action, if appropriate; **OR**
- 25 **(5) DECISION TO TRANSFER OR DISCHARGE THE RESIDENT FROM**
26 **THE NURSING HOME.**

1 (c) If the Department determines that a nursing home failed to notify a resident,
2 resident's representative, or interested family member under subsection (b) of this section,
3 the Department shall require as part of a plan of correction that the nursing home notify
4 the resident, the resident's representative, or interested family member as soon as possible.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.