By: Delegate Kerr
Introduced and read first time: February 3, 2022
Assigned to: Health and Government Operations

A BILL ENTITLED

AN ACT concerning

Maryland Health Care Commission – Nursing Homes – Audit

FOR the purpose of requiring the Maryland Health Care Commission to conduct a certain annual audit of nursing homes in the State; requiring the Commission to conduct an annual survey of the nursing home workforce; requiring the Commission to establish a fee to be paid by each nursing home subject to the audit to cover the cost of the audit; and generally relating to the Maryland Health Care Commission and an audit of nursing homes.

BY adding to
Article – Health – General
Section 19–138
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

19–138.

(A) ON OR BEFORE DECEMBER 1, 2023, AND EACH DECEMBER 1 THEREAFTER, THE COMMISSION SHALL:

(1) CONDUCT A COMPREHENSIVE AUDIT OF COST TRENDS, LABOR ISSUES, AND FINANCIAL PERFORMANCE FOR EACH NURSING HOME LICENSED UNDER § 19–1401 OF THIS TITLE; AND

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
(2) Use the audit required under item (1) of this subsection to develop findings by facility type and ownership group and on an industry-wide basis.

(B) The audit required under subsection (A)(1) of this section shall include the following information:

(1) Gross and net patient service revenues;

(2) Other sources of operating and nonoperating revenues;

(3) Trends in relative price, payer mix, case mix, utilization, and length of stay, since calendar year 2010;

(4) Affiliations with other health care providers, including preferred clinical relationships and providers;

(5) Categories of costs, including general and administrative costs, nursing and other labor costs and salaries, building costs, capital costs, and other operating costs;

(6) Total spending on direct patient care as a percent of total operating expenses;

(7) Operating and total margin;

(8) Occupancy rates; and

(9) Any other information considered necessary by the Commission to conduct the audit.

(C) (1) In conducting the audit required under subsection (A)(1) of this section, the Commission shall administer an annual survey of the nursing home workforce.

(2) The workforce survey required under paragraph (1) of this subsection shall:

(I) Be made available in paper and electronic format;

(II) Be anonymous; and

(III) Include questions on the following areas:
1. WORKING CONDITIONS;

2. WAGES;

3. WORKING HOURS, INCLUDING ANY MANDATORY OR VOLUNTARY OVERTIME;

4. INTERACTIONS WITH MANAGEMENT; AND

5. INTERACTIONS WITH RESIDENTS IN THE FACILITY.

(D) EACH YEAR, THE COMMISSION SHALL ESTABLISH A FEE TO BE PAID BY EACH NURSING HOME SUBJECT TO THE AUDIT TO COVER THE COST OF THE AUDIT REQUIRED UNDER SUBSECTION (A)(1) OF THIS SECTION.

(E) ON OR BEFORE DECEMBER 1, 2023, AND EACH DECEMBER 1 THEREAFTER, THE COMMISSION SHALL SUBMIT THE FINDINGS DEVELOPED UNDER SUBSECTION (A)(2) OF THIS SECTION TO THE GOVERNOR AND, SUBJECT TO § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.