

HOUSE BILL 1301

J3, P1

EMERGENCY BILL

3lr3144
CF 3lr3143

By: **Delegates Crosby, Allen, Charles, Rogers, and Wilson**

Rules suspended

Introduced and read first time: March 18, 2023

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **State-Owned Nursing Homes – Deficiencies, Citations, and Fines – Contractor**
3 **Reporting Requirements**

4 FOR the purpose of requiring contractors operating State-owned nursing homes to
5 promptly provide notice of certain deficiencies and enforcement actions to certain
6 persons; requiring contractors operating State-owned nursing homes to provide
7 certain information related to citations and fines to certain persons; requiring the
8 Maryland Department of Health to report annually on certain information related to
9 State-owned nursing homes that are operated by contractors; and generally relating
10 to State-owned nursing homes.

11 BY repealing and reenacting, without amendments,
12 Article – Health – General
13 Section 19–1401(a), (b), (d), (g), and (h) and 19–1408(a) and (b)
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2022 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Health – General
18 Section 19–1401(e)
19 Annotated Code of Maryland
20 (2019 Replacement Volume and 2022 Supplement)

21 BY adding to
22 Article – Health – General
23 Section 19–14C–01 and 19–14C–02 to be under the new subtitle “Subtitle 14C.
24 State-Owned Nursing Homes”
25 Annotated Code of Maryland
26 (2019 Replacement Volume and 2022 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Health – General**

4 19–1401.

5 (a) In this subtitle the following words have the meanings indicated.

6 (b) “Actual harm deficiency” means a condition existing in a nursing home or an
7 action or inaction by the nursing home staff that has caused physical or emotional injury
8 or impairment to a resident.

9 (d) “Deficiency” means a condition existing in a nursing home or an action or
10 inaction by the nursing home staff that results in potential for more than minimal harm,
11 actual harm, or serious and immediate threat to one or more residents.

12 (e) **(1)** “Nursing home” means a facility [(other than a facility offering
13 domiciliary or personal care as defined in Subtitle 3 of this title) which] **THAT** offers
14 nonacute inpatient care to patients suffering from a disease, chronic illness, condition,
15 disability of advanced age, or terminal disease requiring maximal nursing care without
16 continuous hospital services and who require medical services and nursing services
17 rendered by or under the supervision of a licensed nurse together with convalescent,
18 restorative, or rehabilitative services.

19 **(2) “NURSING HOME” DOES NOT MEAN A FACILITY OFFERING**
20 **DOMICILIARY CARE OR PERSONAL CARE AS THOSE TERMS ARE DEFINED IN § 19–301**
21 **OF THIS TITLE.**

22 (g) “Potential for more than minimal harm deficiency” means a condition existing
23 in a nursing home or an action or inaction by the nursing home staff that has the potential
24 to cause actual harm to a resident.

25 (h) “Serious and immediate threat” means a situation in which immediate
26 corrective action is necessary because a nursing home’s noncompliance with one or more
27 State regulations has caused or is likely to cause serious injury, harm, impairment to, or
28 death of a resident receiving care in the nursing home.

29 19–1408.

30 (a) (1) Subject to subsection (c) of this section, the Department shall make a
31 site visit and conduct a full survey of each licensed nursing home at least once per calendar
32 year.

33 (2) Unless otherwise required by federal law, all surveys shall be
34 unannounced.

1 (b) (1) Subject to paragraph (2) of this subsection, the Department shall
2 initiate an investigation of a nursing home complaint alleging actual harm within 10
3 business days after receiving the complaint.

4 (2) If the Department receives a complaint against a nursing home alleging
5 immediate jeopardy to a resident, the Department:

6 (i) Shall make every effort to investigate the complaint within 24
7 hours after receiving the complaint; and

8 (ii) Shall investigate the complaint not later than 48 hours after
9 receiving the complaint.

10 **SUBTITLE 14C. STATE-OWNED NURSING HOMES.**

11 **19-14C-01.**

12 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
13 INDICATED.

14 (B) “DEFICIENCY” HAS THE MEANING STATED IN § 19-1401 OF THIS TITLE.

15 (C) “MONITORING AGENCY” MEANS:

16 (1) THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; OR

17 (2) THE OFFICE OF HEALTH CARE QUALITY WITHIN THE
18 DEPARTMENT.

19 (D) “NURSING HOME” HAS THE MEANING STATED IN § 19-1401 OF THIS
20 TITLE.

21 **19-14C-02.**

22 (A) (1) IF A STATE-OWNED NURSING HOME THAT IS OPERATED BY A
23 CONTRACTOR RECEIVES A DEFICIENCY FROM OR IS SUBJECT TO AN ENFORCEMENT
24 ACTION BY A MONITORING AGENCY, THE CONTRACTOR PROMPTLY SHALL PROVIDE
25 NOTICE OF THE DEFICIENCY OR ENFORCEMENT ACTION TO:

26 (I) THE GOVERNOR;

27 (II) THE STATE AGENCY OVERSEEING THE NURSING HOME; AND

28 (III) IN ACCORDANCE WITH § 2-1257 OF THE STATE

1 GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE HOUSE HEALTH
2 AND GOVERNMENT OPERATIONS COMMITTEE, AND THE MEMBERS OF THE
3 GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT IN WHICH THE NURSING
4 HOME IS LOCATED.

5 (2) WITHIN 30 DAYS AFTER A STATE-OWNED NURSING HOME THAT IS
6 OPERATED BY A CONTRACTOR RECEIVES A CITATION OR FINE FROM A MONITORING
7 AGENCY, THE CONTRACTOR SHALL PROVIDE TO THE GOVERNOR, THE STATE
8 AGENCY OVERSEEING THE NURSING HOME, AND, IN ACCORDANCE WITH § 2-1257 OF
9 THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE, THE
10 HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE MEMBERS
11 OF THE GENERAL ASSEMBLY WHO REPRESENT THE DISTRICT IN WHICH THE
12 NURSING HOME IS LOCATED:

13 (I) A STATEMENT OF THE DEFICIENCIES FOUND BY THE
14 MONITORING AGENCY;

15 (II) A PLAN OF CORRECTION; AND

16 (III) ALL COMMUNICATIONS FROM THE MONITORING AGENCY
17 REGARDING SURVEY ACTIVITIES CONDUCTED AT THE NURSING HOME.

18 (B) ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2024, THE
19 DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
20 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON ALL
21 FEDERAL AND STATE:

22 (1) SURVEY ACTIVITIES CONDUCTED DURING THE IMMEDIATELY
23 PRECEDING 12-MONTH PERIOD AT EACH STATE-OWNED NURSING HOME THAT IS
24 OPERATED BY A CONTRACTOR; AND

25 (2) ENFORCEMENT ACTIONS IMPOSED DURING THE IMMEDIATELY
26 PRECEDING 12-MONTH PERIOD ON EACH STATE-OWNED NURSING HOME THAT IS
27 OPERATED BY A CONTRACTOR.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
29 measure, is necessary for the immediate preservation of the public health or safety, has
30 been passed by a yea and nay vote supported by three-fifths of all the members elected to
31 each of the two Houses of the General Assembly, and shall take effect from the date it is
32 enacted.