

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 974

(Senator Bailey, *et al.*)

Finance

Health and Government Operations

State-Owned Nursing Homes - Deficiencies, Citations, and Fines - Contractor Reporting Requirements

This emergency bill requires a contractor operating a State-owned nursing home to promptly provide notice of a deficiency or enforcement action by a “monitoring agency” to specified entities. Within 30 days after receiving a citation or fine from a monitoring agency, the contractor must also provide specified entities with (1) a statement of the deficiencies found by the monitoring agency; (2) a plan of correction; and (3) all communications from the monitoring agency regarding survey activities conducted at the nursing home. By January 1, 2024, and annually thereafter, the Maryland Department of Health (MDH) must report to the Governor and the General Assembly on all federal and State survey activities conducted and enforcement actions imposed during the immediately preceding 12-month period at each State-owned nursing home that is operated by a contractor.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: “Monitoring agency” means the federal Centers for Medicare and Medicaid Services or the Office of Health Care Quality (OHCQ) within MDH.

Notice of a deficiency or enforcement action and related documentation must be provided to the Governor, the State agency overseeing the nursing home, specified committees of the General Assembly, and the members of the General Assembly who represent the district in which the nursing home is located.

Current Law:

Definitions

“Deficiency” means a condition existing in a nursing home or an action or inaction by the nursing home staff that results in a potential for more than minimal harm, actual harm, or serious and immediate threat to one or more residents. “Actual harm deficiency” means a condition existing in a nursing home or an action or inaction by the nursing home staff that has caused physical or emotional injury or impairment to a resident. “Serious and immediate threat” means a situation in which immediate corrective action is necessary because a nursing home’s noncompliance with one or more State regulations has caused or is likely to cause serious injury, harm, impairment to, or death of a resident receiving care in the nursing home.

“Nursing home” means a facility (other than a facility offering domiciliary or personal care) which offers nonacute inpatient care to patients suffering from a disease, chronic illness, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent, restorative, or rehabilitative services.

Office of Health Care Quality

OHCQ generally makes an unannounced site visit and conducts a full survey of each licensed nursing home at least once per year. After a nursing home complaint alleging actual harm, OHCQ must initiate an investigation within 10 business days. If MDH receives a complaint alleging immediate jeopardy to a resident, it must make every effort to investigate the complaint within 24 hours, and no later than 48 hours, after receiving the complaint.

Charlotte Hall Veterans Home

The Maryland Department of Veterans Affairs (MDVA) manages one veterans home, Charlotte Hall Veterans Home (CHVH) in St. Mary’s County. CHVH provides assisted living and skilled nursing care for eligible veterans and their spouses who are either unable to care for themselves because of a disability or advancing age, or who have requirements for nursing home care. Clinical care and health care management at CHVH are provided

by a private contractor but are overseen by MDVA staff. The facility is Medicare and Medicaid certified and is inspected annually.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1301 (Delegate Crosby, *et al.*) - Health and Government Operations.

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

Fiscal Note History: First Reader - April 4, 2023
km/jc Third Reader - April 8, 2023

Analysis by: Amberly E. Holcomb

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