

SENATE BILL 376

J3

(5lr1383)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by ~~Senator Kramer~~ Senators Kramer, Ellis, Gile, Hayes, Hershey, C. Jackson, Lam, Mautz, Ready, and A. Washington

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 ~~Health Facilities – Delegation of Inspection Authority~~ Maryland Department of
3 Health and Office of Health Care Quality – Nursing Homes Home Inspections –
4 Reporting

5 FOR the purpose of requiring ~~the Secretary of Health, on request of a county, to delegate~~
6 ~~to the county the authority to conduct site visits and full surveys and complaint~~
7 ~~investigations of nursing homes; requiring the Maryland Department of Health to~~
8 ~~execute a certain memorandum of understanding with a requesting county within a~~
9 ~~certain period of time; requiring that the Maryland Department of Health and~~
10 ~~certain counties equally share certain costs under certain circumstances; and~~
11 ~~generally relating to the inspection of nursing homes and the delegation of authority~~
12 the Maryland Department of Health to report quarterly on disaggregated data
13 regarding nursing home inspections in each county; requiring the Office of Health
14 Care Quality to report to the local area agency on aging for each county the name of

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.

Italics indicate opposite chamber/conference committee amendments.



1 each nursing home in the county that was surveyed during a certain period and the
2 date each survey was conducted; and generally relating to reporting on nursing home
3 inspections.

4 BY repealing and reenacting, with amendments,
5 Article – Health – General
6 Section 19–1408
7 Annotated Code of Maryland
8 (2023 Replacement Volume and 2024 Supplement)

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

11 **Article – Health – General**

12 19–1408.

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

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

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

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

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

25 (ii) Shall investigate the complaint not later than 48 hours after
26 receiving the complaint.

27 (c) If ownership of a licensed nursing home is transferred to a person that does
28 not own or operate another nursing home in the State at the time of the transfer, the
29 Department shall conduct:

30 (1) The first full survey of the licensed nursing home as required under
31 subsection (a) of this section within 3 months after the date of transfer; and

32 (2) An unannounced, on-site follow-up survey of the licensed nursing
33 home that covers any deficiencies noted in the full survey within 120 days after the full
34 survey was completed.

1 (D) (1) ~~ON REQUEST OF A COUNTY, THE SECRETARY SHALL DELEGATE TO~~
2 ~~THE COUNTY THE AUTHORITY TO CONDUCT SITE VISITS AND FULL SURVEYS AND~~
3 ~~COMPLAINT INVESTIGATIONS OF NURSING HOMES AUTHORIZED UNDER THIS~~
4 ~~SECTION.~~

5 ~~(2) (I) WITHIN 90 DAYS AFTER RECEIVING A REQUEST FROM A~~
6 ~~COUNTY, THE SECRETARY SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING~~
7 ~~WITH THE COUNTY TO DELEGATE THE AUTHORITY TO CONDUCT SURVEYS AND~~
8 ~~COMPLAINT INVESTIGATIONS OF NURSING HOMES AUTHORIZED UNDER THIS~~
9 ~~SECTION.~~

10 ~~(H) THE MEMORANDUM OF UNDERSTANDING SHALL BE~~
11 ~~MODELED ON THE MARYLAND DEPARTMENT OF HEALTH STANDARD~~
12 ~~MEMORANDUM OF UNDERSTANDING INTRA AGENCY/INTERGOVERNMENTAL~~
13 ~~AGREEMENT, ENTITLED NURSING HOME FACILITIES, THAT EXISTED BETWEEN THE~~
14 ~~DEPARTMENT AND MONTGOMERY COUNTY ON JULY 1, 2019.~~

15 ~~(2) (3) THE DEPARTMENT AND THE COUNTY SHALL EQUALLY~~
16 ~~SHARE THE COSTS OF CONDUCTING SITE VISITS AND FULL SURVEYS DELEGATED BY~~
17 ~~THE SECRETARY UNDER PARAGRAPH (1) OF THIS SUBSECTION *BEGINNING JULY 1,*~~
18 ~~*2025, AND EVERY 3 MONTHS THEREAFTER, THE DEPARTMENT SHALL REPORT TO*~~
19 ~~*THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT*~~
20 ~~*OPERATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE STATE*~~
21 ~~*GOVERNMENT ARTICLE, THE NUMBER OF SURVEYS CONDUCTED IN EACH COUNTY,*~~
22 ~~*DISAGGREGATED BY THE FOLLOWING TYPES OF SURVEYS:*~~

23 (I) STANDARD SURVEY;

24 (II) COMPLAIN SURVEY;

25 (III) FOLLOW-UP SURVEY;

26 (IV) REVISIT SURVEY;

27 (V) SPECIAL FOCUS FACILITY SURVEY;

28 (VI) ABBREVIATED SURVEY; AND

29 (VII) LIFE SAFETY CODE SURVEY.

30 (2) BEGINNING JULY 1, 2025, AND EVERY 6 MONTHS THEREAFTER,
31 THE OFFICE OF HEALTH CARE QUALITY SHALL REPORT TO THE LOCAL AREA
32 AGENCY ON AGING FOR EACH COUNTY THE NAME OF EACH NURSING HOME IN THE

1 COUNTY THAT WAS SURVEYED IN THE IMMEDIATELY PRECEDING 6 MONTHS AND THE
2 DATE EACH SURVEY WAS CONDUCTED.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 ~~October~~ ~~July~~ June 1, 2025. It shall remain effective for a period of 4 years and, at the end of
5 May 31, 2029, this Act, with no further action required by the General Assembly, shall be
6 abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.