

SB0493/923426/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 493
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 6, in each instance, strike “updated” and substitute “new”; and in line 7, after “transfer;” insert “establishing time requirements that apply to the discharge or transfer of a resident if a new notice of involuntary discharge or transfer of the resident is provided.”.

AMENDMENT NO. 2

On page 4, in line 3, strike “the Legal Aid Bureau” and substitute “MARYLAND LEGAL AID”; and strike beginning with “(I)” in line 10 down through “(II)” in line 13.

On page 5, strike in their entirety lines 28 through 30, inclusive, and substitute:

“(2) IF A NEW NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE FOLLOWING TIME REQUIREMENTS APPLY TO THE DISCHARGE OR TRANSFER OF THE RESIDENT:

(1) THE RESIDENT MAY NOT BE DISCHARGED OR TRANSFERRED FOR AT LEAST 30 DAYS AFTER THE NEW NOTICE HAS BEEN PROVIDED TO THE RESIDENT IF THE NEW NOTICE IS PROVIDED BEFORE:

1. THE EXPIRATION OF THE TIME PERIOD REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; OR

2. THE DATE OF AN ORDER OF DISCHARGE ISSUED BY AN ADMINISTRATIVE LAW JUDGE UNDER SUBSECTION (D) OF THIS SECTION; AND

(II) IF THE NEW NOTICE IS PROVIDED AFTER A DATE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH:

1. IF THE ORIGINAL NOTICE INDICATED A DISCHARGE LOCATION THAT WAS A LICENSED SKILLED NURSING FACILITY AND THE NEW NOTICE CHANGES THE DATE OF DISCHARGE OR TRANSFER ONLY, THE RESIDENT MAY BE DISCHARGED ON THE EARLIEST DATE THAT A BED IS AVAILABLE AT THE FACILITY;

2. IF THE NEW NOTICE CHANGES THE LOCATION OF DISCHARGE OR TRANSFER FROM A LICENSED SKILLED NURSING FACILITY TO A DIFFERENT LICENSED SKILLED NURSING FACILITY, THE RESIDENT MAY NOT BE DISCHARGED OR TRANSFERRED FOR AT LEAST 7 DAYS AFTER THE NEW NOTICE HAS BEEN PROVIDED TO THE RESIDENT; AND

3. IF THE NEW NOTICE CHANGES THE LOCATION OF DISCHARGE OR TRANSFER FROM A LICENSED SKILLED NURSING FACILITY TO A LOCATION THAT IS NOT A LICENSED SKILLED NURSING FACILITY BUT IS OTHERWISE DETERMINED TO BE A SAFE DISCHARGE LOCATION UNDER AN APPROPRIATE CLINICAL EVALUATION AND AS SET FORTH IN THE POST DISCHARGE PLAN OF CARE, THE RESIDENT MAY NOT BE DISCHARGED OR TRANSFERRED FOR AT LEAST 30 DAYS AFTER THE NEW NOTICE HAS BEEN PROVIDED TO THE RESIDENT.”.

On page 6, in line 1, strike “AN UPDATED” and substitute “A NEW”; in line 2, strike “INDICATE” and substitute “:

(I) INDICATE”;

in the same line, strike “UPDATED” and substitute “NEW”; in line 3, after “NOTICE” insert “;AND

(II) INCLUDE A NOTICE OF THE RIGHT TO APPEAL THE NEW NOTICE:

1. FOR ANY DISCHARGE OR TRANSFER DESCRIBED UNDER PARAGRAPH (2)(I) OF THIS SUBSECTION; OR

2. FOR A DISCHARGE OR TRANSFER DESCRIBED UNDER PARAGRAPH (2)(II)3 OF THIS SUBSECTION, IF THE UNDERLYING BASIS OF THE ORIGINAL NOTICE HAS CHANGED”;

and after line 3, insert:

“(4) FOR A DISCHARGE OR TRANSFER DESCRIBED UNDER PARAGRAPH (2)(II)1 OR 2 OF THIS SUBSECTION, A NEW NOTICE IS NOT REQUIRED TO INCLUDE A NOTICE OF THE RIGHT TO APPEAL THE NEW NOTICE.”.