

HOUSE BILL 265

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By: **Delegates B. Robinson, Conaway, Dwyer, Glenn, Oaks, Ross, Stukes, Tarrant, V. Turner, and Washington**

Introduced and read first time: January 31, 2011

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration – Inspections of Licensees**

3 FOR the purpose of requiring the Developmental Disabilities Administration or its
4 agent to ensure that surveyors who carry out inspections of sites or offices
5 operated by a licensee interpret and apply licensing requirements consistently
6 and uniformly; requiring the Administration or its agent to evaluate
7 periodically the performance of certain surveyors for a certain purpose; and
8 generally relating to inspections of licensees of the Developmental Disabilities
9 Administration.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 7–909
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 Supplement)

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

17 **Article – Health – General**

18 7–909.

19 (a) In this section, the word “licensee” means a person who is licensed by the
20 Administration under this title to provide services.

21 (b) **(1)** The Administration or its agent shall inspect each site or office
22 operated by a licensee at least once annually and at any other time that the
23 Administration considers necessary.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) THE ADMINISTRATION OR ITS AGENT SHALL:**

2 **(I) ENSURE THAT SURVEYORS WHO CARRY OUT**
3 **INSPECTIONS UNDER THIS SUBSECTION INTERPRET AND APPLY LICENSING**
4 **REQUIREMENTS CONSISTENTLY AND UNIFORMLY; AND**

5 **(II) EVALUATE PERIODICALLY THE PERFORMANCE OF**
6 **SURVEYORS WHO CARRY OUT INSPECTIONS UNDER THIS SUBSECTION TO**
7 **ENSURE THE CONSISTENT AND UNIFORM INTERPRETATION AND APPLICATION**
8 **OF LICENSING REQUIREMENTS.**

9 (c) The Administration shall keep a report of each inspection.

10 (d) The Administration shall bring any deficiencies to the attention of:

11 (1) The executive officer of the licensee; or

12 (2) In the case of an intermediate care facility–intellectual disability,
13 the State Planning Council and the State–designated protection and advocacy agency.

14 (e) (1) The Administration, in conjunction with the Office of Health Care
15 Quality, shall adopt regulations that establish a system of prioritization to respond to
16 and investigate serious reportable incidents, as defined by the Administration, in the
17 areas of abuse, neglect, serious injury, and medication errors that threaten the health,
18 safety, and well–being of individuals receiving services funded by the Administration
19 in State–operated and community programs licensed by the Administration.

20 (2) The Administration shall seek input from individuals with
21 disabilities and their families, licensees, and advocacy organizations in developing the
22 regulations, prior to publishing the regulations in the Maryland Register for public
23 comment.

24 (3) The regulations shall define and address:

25 (i) The procedures and timelines that providers must follow
26 when reporting serious reportable incidents and deaths to the Administration and the
27 Office of Health Care Quality;

28 (ii) The Department’s protocol to determine the necessity to
29 investigate a serious reportable incident that takes into account:

30 1. The severity of the incident;

31 2. The quality of the licensee’s internal investigation;

32 and

1 3. The number and frequency of serious reportable
2 incidents reported by the licensee to the Department;

3 (iii) The specific roles and responsibilities of each governmental
4 unit involved in any follow-up investigations that may occur due to a licensee's report
5 of a serious reportable incident or death;

6 (iv) Methods of investigations, including on-site investigations;

7 (v) Time lines for response to serious reportable incidents and
8 deaths and investigation of serious reportable incidents and deaths;

9 (vi) Time lines for issuing specified reports, including corrective
10 action plans, to the Administration, licensee, Mortality and Quality Review
11 Committee, Medicaid Fraud Unit, individuals receiving services from the licensee
12 involved in the incident and their guardians or family members, and others; and

13 (vii) Follow-up protocols for the Office of Health Care Quality
14 and the Administration to ensure that corrective action has been implemented by the
15 licensee.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2011.