

# 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

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 2, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Developmental Disabilities Administration – Inspections of Licensees –**  
3 **Performance Evaluation of Surveyors**

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

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 7–909  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2010 Supplement)

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

19 **Article – Health – General**

20 7–909.

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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.



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

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

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

7 ~~(I) ENSURE THAT SURVEYORS WHO CARRY OUT~~  
8 ~~INSPECTIONS UNDER THIS SUBSECTION INTERPRET AND APPLY LICENSING~~  
9 ~~REQUIREMENTS CONSISTENTLY AND UNIFORMLY; AND~~

10 ~~(II) EVALUATE~~ EVALUATE **PERIODICALLY THE**  
11 **PERFORMANCE OF SURVEYORS WHO CARRY OUT INSPECTIONS UNDER THIS**  
12 **SUBSECTION TO ENSURE THE CONSISTENT AND UNIFORM INTERPRETATION**  
13 **AND APPLICATION OF LICENSING REQUIREMENTS.**

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

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

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

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

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

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

29 (3) The regulations shall define and address:

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

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

3 1. The severity of the incident;

4 2. The quality of the licensee’s internal investigation;  
5 and

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

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

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

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

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.