

SENATE BILL 795

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By: **Senator Eckardt**

Introduced and read first time: February 9, 2021

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Oversight Committee on Quality Care in Nursing Homes and Assisted Living**
3 **Facilities – Membership and Cochairs**

4 FOR the purpose of altering the membership of the Oversight Committee on Nursing
5 Homes and Assisted Living Facilities; requiring that the Oversight Committee be
6 chaired by two cochairs elected from among its members, rather than by the
7 Secretary of Aging; establishing certain requirements for the election of the cochairs
8 of the Oversight Committee; specifying the terms of the cochairs; and generally
9 relating to the Oversight Committee on Nursing Homes and Assisted Living
10 Facilities.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 19–1409
14 Annotated Code of Maryland
15 (2019 Replacement Volume and 2020 Supplement)

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

18 **Article – Health – General**

19 19–1409.

20 (a) There is an Oversight Committee on Quality of Care in Nursing Homes and
21 Assisted Living Facilities.

22 (b) The Oversight Committee shall consist of the following members:

23 (1) One member of the Senate Finance Committee, appointed by the
24 President of the Senate;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (2) One member of the Senate Education, Health, and Environmental
2 Affairs Committee, appointed by the President of the Senate;
- 3 (3) Two members of the House Health and Government Operations
4 Committee, appointed by the Speaker of the House;
- 5 (4) The Secretary of Aging, or the Secretary's designee;
- 6 (5) The Secretary of Health, or the Secretary's designee;
- 7 (6) The Director of the Office of Health Care Quality, or the Director's
8 designee;
- 9 (7) The Deputy Secretary for Behavioral Health, or the Deputy Secretary's
10 designee;
- 11 (8) The Secretary of Human Services, or the Secretary's designee;
- 12 (9) The Secretary of Disabilities, or the Secretary's designee;
- 13 (10) The State Long-Term Care Ombudsman;
- 14 (11) Two representatives of area agencies on aging, one of which shall be a
15 member of a local long-term care ombudsman program established under Title 10, Subtitle
16 9 of the Human Services Article, selected by the President of the Maryland Association of
17 Area Agencies on Aging;
- 18 (12) One representative of a local long-term care ombudsman entity,
19 selected by the State Long-Term Care Ombudsman;
- 20 (13) Three consumer members, selected by the State Long-Term Care
21 Ombudsman, all of whom shall be consumers living in an assisted living facility or a
22 nursing home or have a family member living in an assisted living facility or a nursing
23 home;
- 24 (14) The following representatives, selected by the organizations the
25 individual represents:
- 26 (i) One representative from the Health Facilities Association of
27 Maryland;
- 28 (ii) One representative from the Mid-Atlantic LifeSpan;
- 29 (iii) One representative of the Hospice Network of Maryland;
- 30 (iv) One representative of the Maryland Hospital Association;

- 1 (v) One representative of 1199SEIU United Health Workers East;
- 2 (vi) One representative of the Maryland Chapter of AARP;
- 3 (vii) One representative of United Seniors of Maryland;
- 4 (viii) One representative of Voices for Quality Care;
- 5 (ix) One representative of the Mental Health Association of
6 Maryland knowledgeable in issues of aging;
- 7 (x) One representative of the Greater Maryland Chapter of the
8 Alzheimer's Association; [and]
- 9 (xi) One representative of the Maryland Association of Adult Day
10 Services; and

11 **(XII) ONE REPRESENTATIVE OF LEADING AGE MARYLAND; AND**

12 (15) Three representatives from the assisted living industry, of which one
13 shall represent a program that cares for one to four residents, one shall represent a program
14 that cares for five to nine residents, and one shall represent a program that cares for more
15 than 10 residents.

16 (c) **(1) [The Secretary of Aging, or the Secretary's designee, shall chair the]**
17 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE OCTOBER 31**
18 **EACH YEAR, THE Oversight Committee SHALL ELECT TWO COCHAIRS FROM AMONG**
19 **ITS MEMBERS.**

20 **(2) (I) ONE COCHAIR SHALL BE A MEMBER DESIGNATED IN**
21 **SUBSECTION (B)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), OR (12) OF THIS**
22 **SECTION.**

23 **(II) ONE COCHAIR SHALL BE A MEMBER DESIGNATED IN**
24 **SUBSECTION (B)(13), (14), OR (15) OF THIS SECTION.**

25 **(III) AT LEAST 80% OF THE OVERSIGHT COMMITTEE POSITIONS**
26 **MUST BE FILLED BEFORE A COCHAIR MAY BE ELECTED.**

27 **(3) (I) THE TERM OF A COCHAIR IS 1 YEAR.**

28 **(II) A COCHAIR MAY NOT SERVE MORE THAN TWO TERMS.**

1 (d) The Oversight Committee shall evaluate the progress in improving nursing
2 home care quality and assisted living facility quality statewide, which may include
3 consideration of:

4 (1) Quality of care standards for nursing homes and assisted living
5 facilities;

6 (2) Standards for the identification of the onset of dementia and
7 Alzheimer's disease;

8 (3) Standards for the identification of conditions appropriate for hospice
9 services;

10 (4) Staffing patterns and staffing standards;

11 (5) Policies and procedures for inspecting nursing homes and assisted
12 living facilities, and responding to quality of care complaints;

13 (6) A comparison of Maryland standards, policies, and procedures to those
14 in other states;

15 (7) The labor pool available to fill nursing and nursing aide jobs;

16 (8) State funding mechanisms for nursing homes and assisted living
17 facilities, including the Medicaid Nursing Home Reimbursement System, potential barriers
18 to eligibility in the Maryland Medical Assistance Program, potential barriers to the timely
19 payment of claims submitted to the Maryland Medical Assistance Program, and regulation
20 of nursing homes;

21 (9) The provision and quality of dementia care and behavioral health
22 supports and services to meet the needs of nursing home and assisted living facility
23 residents;

24 (10) Staff training and development;

25 (11) The rights of residents;

26 (12) Data on resident satisfaction;

27 (13) Resident assessments;

28 (14) Resident care planning;

29 (15) The monitoring of residents; and

30 (16) The change of resident status.

1 (e) The Office of Health Care Quality in the Maryland Department of Health shall
2 submit a report to the Oversight Committee annually on the status of quality of care in
3 nursing homes and assisted living facilities.

4 (f) The Deputy Secretary of Health Care Financing, or the Deputy Secretary's
5 designee, shall report annually to the Oversight Committee on the status of the Medicaid
6 Nursing Home Reimbursement System, which shall include but not be limited to:

7 (1) Elements of the existing methodology that are no longer relevant;

8 (2) Elements of the existing methodology that can be revised;

9 (3) The appropriateness of redesigning the system given changing
10 demographics of the target population; and

11 (4) General Fund and federal fund savings from a system redesign that
12 may be redirected to nursing home staff development in the nursing cost center.

13 (g) The Oversight Committee shall review the reports of the Office of Health Care
14 Quality and the Deputy Secretary of Health Care Financing and develop recommendations
15 to continue improvement in nursing home and assisted living facility care.

16 (h) The Oversight Committee may:

17 (1) Review legislation introduced in the General Assembly that may affect
18 nursing home and assisted living facility care; and

19 (2) Make recommendations about the legislation to the General Assembly.

20 (i) The Oversight Committee may:

21 (1) Review proposed regulations that may affect nursing home and assisted
22 living facility care; and

23 (2) Make recommendations about the regulations to the departments
24 proposing the regulations and to the Joint Committee on Administrative, Executive, and
25 Legislative Review.

26 (j) The Oversight Committee shall report its findings and recommendations to
27 the Governor and, subject to § 2-1257 of the State Government Article, to the General
28 Assembly on or before December 1 of each year.

29 (k) The Department of Aging, [with assistance from] the Maryland Department
30 of Health, the Department of Human Services, and the Department of Legislative
31 Services[,] shall provide staff support for the Oversight Committee.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2021.