

HB1187/316588/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1187
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Weldon” and substitute “Weldon, Hammen, Pendergrass, Bromwell, Donoghue, Elliott, Kullen, Morhaim, Pena-Melnyk, Reznik, and Tarrant”; strike beginning with “a” in line 3 down through “persons” in line 6 and substitute “an applicant for licensure or relicensure of a nursing home to include certain information in the application”; strike beginning with “requiring” in line 7 down through “circumstances” in line 9 and substitute “authorizing the Secretary of Health and Mental Hygiene to make certain approvals or denials of licensure applications after a certain review”; in line 11, strike beginning with “authorizing” through “conditions” and substitute “requiring the Secretary to convene a certain workgroup to make certain recommendations; requiring the Secretary to review certain recommendations and to publish certain regulations on or before a certain date”; strike beginning with “requiring” in line 12 down through “terms;” in line 13; strike in their entirety lines 15 through 19, inclusive; in line 22, after the second comma, insert “and 19-1401.3”; and strike beginning with “19-1401.3” in line 22 down through “19-1401.8” in line 23.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 2 on page 2 through line 6 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, strike in their entirety lines 8 and 9 and substitute:

“(A) IN ADDITION TO THE REQUIREMENTS FOR LICENSURE OF A RELATED INSTITUTION AS PROVIDED IN THIS TITLE, AN APPLICANT FOR INITIAL

(Over)

LICENSURE OR RELICENSURE OF A NURSING HOME SHALL INCLUDE IN THE APPLICATION THE IDENTITY OF:

(1) ANY PERSON WITH AN OWNERSHIP INTEREST IN THE NURSING HOME; AND

(2) ANY MANAGEMENT COMPANY, LANDLORD, OR OTHER BUSINESS ENTITY THAT WILL OPERATE OR CONTRACT WITH THE APPLICANT TO MANAGE THE NURSING HOME.

(B) AN APPLICANT FOR INITIAL LICENSURE SHALL SUBMIT TO THE SECRETARY OR THE SECRETARY'S DESIGNEE EVIDENCE:

(1) THAT AFFIRMATIVELY DEMONSTRATES THE ABILITY OF THE APPLICANT TO COMPLY WITH MINIMUM STANDARDS OF:

(I) MEDICAL CARE;

(II) NURSING CARE;

(III) FINANCIAL CONDITION; AND

(IV) OTHER APPLICABLE STATE OR FEDERAL LAWS AND REGULATIONS; AND

(2) REGARDING THE REGULATORY COMPLIANCE HISTORY AND FINANCIAL CONDITION OF ANY HEALTH CARE FACILITY OWNED OR OPERATED BY THE APPLICANT IN OTHER JURISDICTIONS.”.

AMENDMENT NO. 4

On page 4, strike in their entirety lines 11 through 17, inclusive, and substitute:

“ON REVIEW OF THE INFORMATION REQUIRED UNDER § 19-1401.1 OF THIS SUBTITLE AND ANY OTHER INFORMATION THAT IS RELEVANT TO THE ABILITY OF THE APPLICANT TO OPERATE A NURSING HOME, THE SECRETARY MAY:

(1) APPROVE AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL;

(2) DENY AN APPLICATION FOR A LICENSE OR LICENSE RENEWAL; OR

(3) APPROVE AN APPLICATION FOR LICENSE OR LICENSE RENEWAL SUBJECT TO CONDITIONS.”.

AMENDMENT NO. 5

On pages 4 through 8, strike in their entirety the lines beginning with line 19 on page 4 through line 32 on page 8, inclusive, and substitute:

“(A) A LICENSEE SHALL REPORT TO THE SECRETARY OR THE SECRETARY’S DESIGNEE ANY SIGNIFICANT CHANGE IN THE FINANCIAL CONDITION OF THE NURSING HOME, INCLUDING CASH FLOW OR ANY OTHER CIRCUMSTANCES THAT COULD ADVERSELY AFFECT THE NURSING HOME’S DELIVERY OF ESSENTIAL SERVICES TO PATIENTS, INCLUDING NURSING SERVICES, DIETARY SERVICES, AND UTILITIES.”.

On page 9, in line 1, strike “(D)” and substitute “(B)”; and in line 4, strike “(E)” and substitute “(C)”.

(Over)

AMENDMENT NO. 6

On page 9, in line 1, strike “**ANY**” and substitute “**EXCEPT AS PROVIDED BY SUBSECTION (C) OF THIS SECTION, ANY**”; in line 4, after “**OF**” insert “**SUBSECTION (B)**”; and strike in their entirety lines 11 through 15, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) the Secretary of Health and Mental Hygiene shall convene a workgroup consisting of representatives of advocacy organizations, nursing homes, and government agencies;

(b) the workgroup shall make recommendations to the Secretary regarding regulations on:

(1) the specific information to be required during the licensure and relicensure process established under § 19-1401.1 of the Health – General Article, as enacted by Section 1 of this Act;

(2) the significant changes in financial condition to be reported to the Secretary under § 19-1401.3 of the Health – General Article, as enacted by Section 1 of this Act; and

(3) any other issues related to the licensure of nursing homes; and

(c) on or before December 1, 2008, the Secretary shall review the recommendations of the workgroup established under subsection (a) of this section and shall publish regulations to implement Section 1 of this Act.”;

and in line 16, strike “2.” and substitute “3.”.