

SENATE BILL 376

J3
SB 825/24 – FIN

5lr1383
CF HB 429

By: ~~Senator Kramer~~ Senators Kramer, Ellis, Gile, Hayes, Hershey, C. Jackson, Lam, Mautz, Ready, and A. Washington

Introduced and read first time: January 17, 2025

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 28, 2025

CHAPTER _____

1 AN ACT concerning

2 **Health Facilities – Delegation of Inspection Authority – Nursing Homes**

3 FOR the purpose of requiring the Secretary of Health, on request of a county, to delegate
4 to the county the authority to conduct ~~site visits and full~~ surveys and complaint
5 investigations of nursing homes; requiring the Maryland Department of Health to
6 execute a certain memorandum of understanding with a requesting county within a
7 certain period of time; requiring that the Maryland Department of Health and
8 certain counties equally share certain costs under certain circumstances; and
9 generally relating to the inspection of nursing homes and the delegation of authority.

10 BY repealing and reenacting, with amendments,
11 Article – Health – General
12 Section 19–1408
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2024 Supplement)

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

17 **Article – Health – General**

18 19–1408.

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.



(a) (1) Subject to subsection (c) of this section, the Department shall make a site visit and conduct a full survey of each licensed nursing home at least once per calendar year.

(2) Unless otherwise required by federal law, all surveys shall be unannounced.

(b) (1) Subject to paragraph (2) of this subsection, the Department shall initiate an investigation of a nursing home complaint alleging actual harm within 10 business days after receiving the complaint.

(2) If the Department receives a complaint against a nursing home alleging immediate jeopardy to a resident, the Department:

(i) Shall make every effort to investigate the complaint within 24 hours after receiving the complaint; and

(ii) Shall investigate the complaint not later than 48 hours after receiving the complaint.

(c) If ownership of a licensed nursing home is transferred to a person that does not own or operate another nursing home in the State at the time of the transfer, the Department shall conduct:

(1) The first full survey of the licensed nursing home as required under subsection (a) of this section within 3 months after the date of transfer; and

(2) An unannounced, on-site follow-up survey of the licensed nursing home that covers any deficiencies noted in the full survey within 120 days after the full survey was completed.

(D) (1) ON REQUEST OF A COUNTY, THE SECRETARY SHALL DELEGATE TO THE COUNTY THE AUTHORITY TO CONDUCT ~~SITE VISITS AND FULL SURVEYS AND COMPLAINT INVESTIGATIONS~~ OF NURSING HOMES AUTHORIZED UNDER THIS SECTION.

(2) (I) WITHIN 90 DAYS AFTER RECEIVING A REQUEST FROM A COUNTY, THE SECRETARY SHALL EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY TO DELEGATE THE AUTHORITY TO CONDUCT SURVEYS AND COMPLAINT INVESTIGATIONS OF NURSING HOMES AUTHORIZED UNDER THIS SECTION.

(II) THE MEMORANDUM OF UNDERSTANDING SHALL BE MODELED ON THE MARYLAND DEPARTMENT OF HEALTH STANDARD MEMORANDUM OF UNDERSTANDING INTRA-AGENCY/INTERGOVERNMENTAL

1 AGREEMENT, ENTITLED NURSING HOME FACILITIES, THAT EXISTED BETWEEN THE
2 DEPARTMENT AND MONTGOMERY COUNTY ON JULY 1, 2019.

3 ~~(2)~~ (3) THE DEPARTMENT AND THE COUNTY SHALL EQUALLY
4 SHARE THE COSTS OF CONDUCTING SITE VISITS AND FULL SURVEYS DELEGATED BY
5 THE SECRETARY UNDER ~~PARAGRAPH (1) OF~~ THIS SUBSECTION.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 ~~October~~ July 1, 2025.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.