

HOUSE BILL 429

J3
HB 1475/24 – HGO

5lr1512
CF SB 376

By: ~~Delegate Cullison~~ Delegates Cullison, Alston, Bagnall, Bhandari, Chisholm, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Ross, Szeliga, Taveras, White Holland, Woods, and Woorman

Introduced and read first time: January 16, 2025

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2025

CHAPTER _____

1 AN ACT concerning

2 **Health Facilities – ~~Delegation of Inspection Authority~~ Augmentation of Survey**
3 **Staff – Nursing Homes**

4 FOR the purpose of requiring the Secretary of Health, on request of a county, to delegate
5 to the county the authority to ~~conduct site visits and full surveys of nursing homes;~~
6 ~~requiring that the Maryland Department of Health and certain counties equally~~
7 ~~share certain costs under certain circumstances~~ augment State nursing home survey
8 staff using county funds under certain circumstances; requiring the Maryland
9 Department of Health to initiate a certain memorandum of understanding and
10 develop a certain plan with a requesting county within a certain period of time; and
11 generally relating to the inspection of nursing homes and the delegation of authority.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 19–1408
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2024 Supplement)

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

19 **Article – Health – General**

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 19–1408.

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

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

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

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

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

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

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

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

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

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

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

30 (D) (1) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF BY JULY 1,
31 2026, THE DEPARTMENT IS 6 MONTHS OR MORE BEHIND THE FEDERAL
32 REQUIREMENT OF CONDUCTING NURSING HOME SURVEYS EVERY 15.9 MONTHS
33 ACCORDING TO THE DEPARTMENT'S MOST RECENT DATA, ON REQUEST OF A

COUNTY, THE SECRETARY SHALL DELEGATE TO THE COUNTY THE AUTHORITY TO AUGMENT STATE NURSING HOME SURVEY STAFF USING COUNTY FUNDS IN ACCORDANCE WITH THIS SUBSECTION.

(2) WITHIN 45 DAYS AFTER A COUNTY MAKES A REQUEST UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL:

(I) INITIATE A MEMORANDUM OF UNDERSTANDING WITH THE COUNTY TO USE COUNTY FUNDS TO CONDUCT SURVEYS AND COMPLAINT INVESTIGATIONS OF NURSING HOMES; AND

(II) DEVELOP A PLAN WITH THE COUNTY ON HOW TO IMPLEMENT THE AUGMENTATION OF STAFF.

(3) A MEMORANDUM OF UNDERSTANDING INITIATED OR A PLAN OF ACTION DEVELOPED UNDER THIS SUBSECTION MAY NOT RESTRICT A COUNTY'S PROGRESSION TO THE NEXT SURVEY TIER IF AN EXEMPTION FROM THE TIERS IS AUTHORIZED BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR NURSING HOMES.

(4) THE DEPARTMENT SHALL INCLUDE, AS PART OF THE REPORTING REQUIREMENTS UNDER § 19-308(B)(4) OF THIS TITLE AND § 19-1409(E) OF THIS SUBTITLE:

(I) EACH MEMORANDUM OF UNDERSTANDING INITIATED UNDER THIS SUBSECTION; AND

(II) THE NUMBER OF SURVEYS COMPLETED UNDER THE MEMORANDUM OF UNDERSTANDING INITIATED UNDER THIS SUBSECTION.

(E) BEGINNING JULY 1, 2025, AND EVERY 6 MONTHS THEREAFTER, THE DEPARTMENT SHALL REPORT TO EACH AREA AGENCY ON AGING:

(1) THE NAMES OF EACH NURSING HOME SURVEYED BY THE STATE AND THE DATES OF EACH STATE SURVEY COMPLETED IN THE COUNTY DURING THE IMMEDIATELY PRECEDING 6 MONTHS; AND

(2) THE AVERAGE STATEWIDE INTERVAL IN MONTHS BETWEEN REQUIRED RECERTIFICATION SURVEYS AS COMPARED WITH THE FEDERAL REQUIREMENT OF 15.9 MONTHS.

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