



2009 Maryland Legislative Bill Chart

Below is a listing of the bills affecting senior care providers during the 2009 Maryland Legislative Session. All copies of bills can be found at www.mlis.state.md.us under Bill Information. Please direct any questions to Danna Kauffman at 410-279-5572 or dkauffman@lifespan-network.org.

HEALTH BILLS

Bill Number	Bill Title/Description	Status
SB71	Maryland Health Care Commission – CON Requirement. Rather than require a health care facility to get a CON for a closure, health care facilities would only be required to provide 45 day notice to the Commission. Notice would need to be 45 days prior to closure. Current law requires everyone but a hospital to get a CON.	Unfavorable
SB205	Board of Nursing – Temporary Limited Licenses. Allows the Board to issue a temporary license that has a limited scope of practice for a specified period of time.	Unfavorable - Withdrawn
SB221	Health Care Decisions Act – Disclosure by Health Care Facilities – Practices Related to Use of Life-Sustaining Procedures. Requires health care facilities to provide information to an individual or the individual’s proxy on the right to accept or refuse treatment; request existing advance directives from individuals, and inform the individual of the facility’s policies and procedures concerning advance directives. Senate has amended the bill to require a facility’s procedures in complying with advance directives to be posted on the facility’s website as well as on the MHCC’s website.	Unfavorable
HB113/SB761	DHMH – Long Term Care Supports and Services – Report. As amended, requires DHMH, with stakeholders, to provide a report on the feasibility of creating a coordinated care program for long-term care services in the Medicaid program and other State programs. Final report due by December 1, 2010.	Favorable
HB30	Health Care Decisions Counseling – Workgroup. As amended, requires the Health Decisions Policy in the	Unfavorable – no action in

	Attorney General's Office to convene a workgroup to study methods to increase and improve end-of-life counseling and hospice care and to report on recommendations by December 1, 2009.	committee
HB462	Medicaid State Plan and Medical Assistance Program – Amendments and Waiver. As amended by the House, requires DHMH to provide notice to the public if it amends the Medicaid State Plan.	Favorable
HB499	DHMH – Health Care Facilities – Databases of Terminated Employees. Requires DHMH to establish a database that includes specified information for any employee who was terminated for abusing or neglecting a resident.	Unfavorable - Withdrawn
HB557	Nursing Homes – Electronic Monitoring (Vera's Law). Allows a resident in a NH or AL facility to install electronic monitoring equipment in the resident's room.	Unfavorable – see note below
HB568	Nursing Facility Resident Protection Act. Prohibits a registered sex offender from being a resident or visitor in a nursing home or in a related institution unless the facility grants a waiver to the individual. For residents, the facility would need to post the residency of the individual at the facility.	Unfavorable – no action in committee
HB843	CCRC – Subscriber Complaints and Investigations and Mediation. As amended by the House, allows a subscriber to go to mediation if the subscriber is not satisfied with the resolution of an internal grievance. The mediation is non-binding and neither party can be represented by counsel at the mediation.	Favorable
HB1215	The 21st Century Health Eligibility System Act. Requires, by December 31, 2012, and subject to the limitations of the State budget, that (1) the Department of Health and Mental Hygiene (DHMH) update the Medicaid Management Information Systems (MMIS); and (2) the Department of Human Resources (DHR) update its Medicaid eligibility systems. DHMH, in consultation with DHR, must report on the progress in meeting the requirements of the bill by each January 31 from 2010 through 2012.	Unfavorable - Withdrawn
HB1476	Health Program Integrity and Recovery Act of 2009. Among other false claims provisions, requires providers to give a surety bond to assure that sufficient funds are available to satisfy the recovery of any amounts due to the Department.	Unfavorable – no action in committee
HB1480	Interagency Committee on Aging – Modifications. Adds three new individuals to this committee – Secretary of Veterans Affairs, Director of Office of Deaf and Hard of Hearing and Chair of the Commission on Aging.	Favorable

SB304/HB583	Crimes – Financial Exploitation of the Elderly – Penalty. States that a person may not knowingly and willfully obtain by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is at least 68 years old, with intent to deprive the individual of the individual’s property.	Favorable
SB435/HB758	Health Care Facilities – Reporting and Reimbursement for Never Events. Applies serious adverse events (“never events”) developed by CMS to nursing homes and restricts Medicaid funding if an event occurs in a nursing home.	Unfavorable- Withdrawn
SB471	State Board of Nursing Home Examiners – Composition and Executive Director. As amended, modifies the Board to increase NHA representation from 5 to 6, with the caveat that one should be from the Eden Alternative or Green House project if possible; decreases consumers from 4 to 2 and increases allied health professionals from 2 to 4 with the specification that one should be a physician or nurse practitioner and one should be a social worker with expertise in geriatrics. The executive director should have a B.A. degree (prospective).	Favorable
SB504	Baltimore City – Health Care Facilities and Clinics – Reporting of Methicillin-Resistant Staphylococcus Aureus Incidents. Requires, in Baltimore City, a nursing home, assisted living facility, or an outpatient clinic that offers or oversees services relating to dialysis or HIV/AIDS to report to the Commissioner of Health regarding incidents of MRSA.	Unfavorable – no action in committee
SB556/HB1192	State Funding Accountability Act. Requires specified grantees to submit a report to the Department of Budget and Management (DBM) by September 1 after each fiscal year the grantee receives State aid. LifeSpan had the bill amended to clarify that the bill does not apply to reimbursements to providers participating in a State program.	Favorable
SB635/HB1149	Maryland Medical Assistance Program – Uniform Statewide Transportation System for Nonemergency Services. Requires DHMH to develop and implement a statewide uniform transportation system to provide transportation for program recipients that do not have access to transportation to nonemergency covered services.	Unfavorable - Withdrawn
SB664/HB782	Nursing Facilities - Accountability Measures - Pay-for-Performance Program. As amended, requires the program to be implemented in a three year phase-in, beginning July 1, 2009. Year One – dissemination of the information to nursing facilities with results from the criteria reported	Favorable

	December 1, 2008; Year Two – 50% of the funding; Year Three – 100% of the funding. DHMH also required to examine improvement criteria.	
SB676/HB839	Program Open Space – Baltimore City – Authorized Use of Funds: This bill allows Baltimore City to use program open space funds to acquire undeveloped property in conjunction with a nonprofit organization.	Unfavorable - Withdrawn
SB679/HB848	Maryland Health and Higher Educational Facilities Authority – Payment in Lieu of Tax Agreement: This bill prohibits the Maryland Health and Higher Education Facilities Authority from providing assistance under this to a participating institution for a project on undeveloped property until, as determined by the authority, the participating institution has entered into good–faith negotiations for a payment in lieu of tax agreement with the local jurisdiction where the property is located.	Unfavorable - Withdrawn
SB680/HB940	Continuing Care Retirement Communities – Construction – Environmental Impact Statement. Requires that if a proposed project will be constructed on undeveloped property of 10 acres or more, then the feasibility must include an environmental impact statement and must document consideration of the feasibility of using any other property in the jurisdiction that is zoned for the proposed use.	Unfavorable - Withdrawn
HB706	Electronic Health Records – Regulation and Reimbursement. Requires the State, by October 1, 2009, to designate a health information exchange for the State and on or before September 1, 2011, the State, in consultation with payors, and health care providers, must adopt regulations that require State–regulated payors to provide incentives to health care providers to promote the adoption and meaningful use of electronic health records.	Favorable
SB749	Hospitals and Nursing Homes – Staphylococcus Infections – Reporting. This bill requires that the death certificate state whether the deceased was being treated for a staph infection at time of death and requires DHMH, Maryland Hospital Association, LifeSpan and HFAM to develop a process to annually report incidents of MRSA and VRA to DHMH and DHMH to report annually to the General Assembly.	Unfavorable – no action in committee
SB750	Hospital and Nursing Facilities – Health Care Associated Infections Prevention and Control Program. Requires each hospital or nursing facility in the State to establish a health care–associated infections prevention and control program based on guidelines prepared by the Society for Healthcare Epidemiology of America	Unfavorable – no action in committee

SB752	Certificate of Need Requirements – Health Care Facilities Other than Home Health Agencies and Hospices – Repeal. This bill repeals the requirements for CON for all health care facilities except home health and hospice.	Unfavorable - Withdrawn
HB952	Continuing Care Agreements and Related Agreement. As amended by the House, this bill alters the 180 day timeframe for contract approval to 120 days; specifies that separate AL and NH agreements do not have to be approved by Aging; and that Aging must limit its review of already approved agreements to modifications and any changes in law or regulations. NOTE: This was LifeSpan’s original transfer bill to the Maryland Insurance Administration.	Favorable – <i>see note below</i>
SB1064	Medicaid State Plan Amendments - Medical Assistance Program Reimbursements. Would have specified timeframes for eligibility requirements.	Unfavorable - Withdrawn

BUSINESS BILLS

HB13	Workplace Religious Freedom Act. Prohibits an employer (more than 50 employees) from prohibiting an employee from using leave to observe a Sabbath or other holy day in accordance with a sincerely held religious belief.	Unfavorable
HB16/SB660	Labor and Employment Shift Breaks. Requires an employer (more than 50 employees) to provide specified shift breaks to employees.	Unfavorable
HB1048	Commercial Law – Consumer Contracts – Prohibited Provisions. This bill prohibits a person from including provisions in a consumer contract that (1) allow a person to change a material term that detrimentally affects a consumer’s existing obligations; or (2) trigger a default or similar penalty based on events unrelated to the consumer’s performance of the existing contract. The bill does not apply to consumer contracts freely negotiated by parties with equal bargaining power.	Unfavorable
SB123/HB242	Unemployment Insurance Benefits – Determinations Based on Severance of Dismissal Payments. This bill expands the severance and dismissal payments that are deductible from unemployment insurance benefits. The bill specifies that <i>all</i> severance and dismissal payments are deductible from unemployment insurance benefits,	Favorable

	regardless of whether the unemployment is a result of job abolition. The bill takes effect June 1, 2009, and applies to claims establishing a new benefit on or after June 7, 2009.	
SB270/HB310	Unemployment Insurance – Eligibility – Part-Time Work. As amended by both the House and the Senate, allows an individual who is only available for part-time work to apply for unemployment benefits. Part-time is at least 20 hours a week. This is an emergency bill	Favorable
SB272/HB304	Maryland False Claims Act. Authorizes the State to implement a Maryland False Claims Act, similar to the federal False Claims Act, including permitting a private citizen to file a civil action on behalf of the State against a person who allegedly has made a false claim.	Unfavorable
SB452/HB1288	Labor and Employment – Maryland Wage and Hour Law – Criminal Penalties. Requires that an employer who is found to have violated the Maryland Wage and Hour Law pay triple damages to the employee entitled to recovery. The employee is entitled to the difference between the wage paid to the employee and the wage required by law and an additional payment equal to two times the difference between the wage paid to the employee and the wage required. Additionally, employees entitled to damages must also be awarded reasonable legal fees and other associated costs.	Unfavorable
SB505	Health Care Malpractice – Noneconomic Damages. Increases the amount of noneconomic damages.	Unfavorable
SB562	Labor and Employment – Flexible Leave. As amended by the Senate, clarifies the definition of leave with pay and that employees may use leave with pay to care for an immediate family member who is ill. It also establishes that an employee may only use leave with pay that has been earned and narrows the provision prohibiting an employer from discharging, demoting, suspending, disciplining, or threatening to take such actions against an employee.	Favorable – EMERGENCY BILL
SB576/HB740	Labor and Employment – Unemployment Insurance – Maximum Benefit – Increase. Increases the categories for “high quarter wages.” Categories now would go to “\$9816.01 and over” rather than “\$9096.01 and over.”	Favorable
HB633	Employment and Labor – Employee Leave – Parent and Teacher Conference. Allows an employee to use leave for a parent/teacher conference under certain circumstances.	Unfavorable
HB902	Maryland Family and Medical Leave Act. Requires an employer to provide the same leave to an eligible employee to which the eligible employee is entitled under the FMLA with respect to a spouse, son, daughter, or parent of the eligible employee with respect to: (1) the eligible	Unfavorable

	employee's brother, sister, grandparent, grandchild, or domestic partner; and (2) the son or daughter of the eligible employee's domestic partner.	
HB1194	Open Meetings Act – Expansion of Definition of Public Body. As amended by the House, alters the definition of public body to include any multimember board, commission, or committee that is appointed by an entity in the Executive Branch of State government, the members of which are appointed by the Governor, and that otherwise meets the definition of a public body under this subsection; or appointed by an official who is subject to the policy direction of an entity described in item a of this item. The multimember board, commission or committee must include in its membership at least 2 individuals who are not members of the appointing entity or employed by the State.	Favorable

SPECIAL NOTES:

HOUSE BILL 557 – Electronic Monitoring

In voting House Bill 557 unfavorable, the House Health and Government Operations Committee stated that it would be sending a letter to the Director of the Office of Health Care Quality requesting that she use best efforts to work with the industry to develop a pilot program to allow residents, upon request, to install electronic monitoring devices in their homes. The Committee also stated that it would like a legislative briefing on this issue prior to the 2010 Session. As introduced, this bill was much more narrowly drafted than in prior years because it only allowed a resident, upon the resident's or the resident proxy's request, to install electronic monitoring at the resident's expense. In past Sessions, the legislation mandated electronic monitoring for all facilities.

HOUSE BILL 952 – CCRC Reforms

In voting House Bill 952 favorable, the Senate Finance Committee stated that it would also be sending a letter to the Governor's office indicating its concerns that the Department of Aging may need additional staff in order to comply with the requirements of the continuing care oversight laws.