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Key Committee Codes:

B&T	=	Senate Budget and Taxation	APR	=	House Appropriations
EHEA	=	Senate Education, Health and Transportation	ECM	=	House Economic Matters
FIN	=	Senate Finance Committee	ENT	=	House Environment & Transportation
JPR	=	Senate Judicial Proceedings	HGO	=	House Health and Government Operations
			JUD	=	House Judiciary
			W&M	=	House Ways and Means

UPDATES FOR THE WEEK ENDING JANUARY 12, 2018

LEGISLATIVE DAY – ACT NOW!

LifeSpan’s Legislative Day is scheduled for February 14th from 8:00 AM to 11:00 AM in Rooms 170 and 180 of the House Lowe Office Building. Please register earlier.

<http://www.cvent.com/events/legislative-day-2017/event-summary-e11b51546a1a4ef7a45d54568d0243bc.aspx>.

To make the most of your time, please: 1) contact your legislator(s) and schedule a meeting to discuss budget and legislative issues; and 2) ask them to stop by at our breakfast. Legislator contact information can be found at www.mdelect.net. YOU MUST REQUEST YOUR MEETING EARLY. LifeSpan will be sending out talking points and additional information closer to the event.

SESSION OVERVIEW:

The 438th Session of the Maryland General Assembly commenced at noon on January 10th. This will be a significant Session because it precedes an election year. While the date to file for elected office is February 27, 2018, it is anticipated that approximately 40 current members of the General Assembly will not be seeking their current seat. As such, this could account for substantial turnover and realignment of committees for the 2019 Session.

For this Session, 181 bills were filed on the first day of Session. Please see the attached bill profile as well as specific comments below. The “consensus” in Annapolis is that several issues will dominate including the potential and likely override of the Governor’s veto on paid sick leave; provisions to mandate individuals have insurance (repealed in the GOP tax bill) as well as to measures to make the individual insurance products more accessible and affordable; continued efforts to address the opioid crisis through enhanced treatment and prevention protocols; and measures to respond to the changes in the State tax code prompted by the federal changes. With

regards to the paid sick leave bill, the full House overrode the Governor's veto on Thursday of this week. It is anticipated that the Senate will take up the measure within the next few days.

Next week, the Governor will introduce his FY2019 proposed operating budget. It is expected that the Governor will also introduce legislation known as the Budget Reconciliation and Financing Act (BRFA), which allows him to repeal or decrease mandatory funding appropriations and transfer monies among different sources.

Other key dates are as follows:

- January 17th: Budget Bill Introduced.
- January 22nd: Governor's bill package introduction date.
- January 23rd: Senate and House Bill Drafting Guarantee Request date.
- January 31st: Governor's State of the State.
- February 5th: Senate Bill Introduction date.
- February 9th: House Bill Introduction date.
- March 19th: Cross-over date.
- April 9th: Sine Die/Last Day of Session.

BILL SUMMARIES:

Attached is a bill profile for your review. Links are embedded in the document for you to review any bill in its entirety. A few notable bills:

Senate Bill 4: Department of Aging – Study of Nursing Home Quality of Care, which requires the Department of Aging to study reported complaints, personnel issues at OHCQ, and compliancy by nursing facilities after being issued a citation. It appears to have been requested for drafting following the release of the federal report citing Maryland for failure to meet the 10-day complaint investigation requirement.

Senate Bill 16: Health Care Facilities – Nursing Homes – Limit on Residents per Multiple Occupancy Bedroom, which requires that a nursing home constructed after October 1, 2018 may not allow more than two residents to occupy a multiple occupancy bedroom. This bill is redundant and not necessary. Federal law only specifies this same requirement but after November 28, 2016. LifeSpan provided the sponsor with a copy of the federal law but it is unclear if the sponsor will withdraw the bill.

Senate Bill 108: Regulation of Health Care Programs, Medical Laboratories, Tissue Banks, and Health Care Facilities – Revision, which has been introduced by the Maryland Department of Health and eliminates the need to renew a license and instead makes the initial license “on-going.” Since there are no longer licensing fees, the State is trying to reduce paperwork compliance. This bill covers a wide variety of industries, including nursing facilities, home health, assisted living, and hospice. It does not cover medical adult day care but that is only because the requirement for license renewal is in regulations not statute for medical adult day care. OHCQ has stated that it will issue regulations to remove the requirement if the bill passes.

House Bill 71: Program of All-Inclusive Care for the Elderly ("PACE") - Limit on Number of Providers – Prohibition, which prohibits the Department of Health from limiting the number of PACE providers in the State if the provider can otherwise meet federal and State requirements. Earlier this year, the Department issued proposed regulations to allow additional PACE programs (only one current operates on the Bayview campus of Johns Hopkins). However, the Department has never issued final regulations to actually permit the development of additional PACE programs.

Three bills have once again been reintroduced to revise the medical liability laws in Maryland. Last Session, LifeSpan opposed these bills. These bills include: ***Senate Bill 36: Civil Actions – Noneconomic Damages*** (bill triples the amount of non-economic damages that can be awarded to a plaintiff in a death or survival action); ***Senate Bill 30: Health Care Practice Qualified Expert – Limitation on Testimony in Personal Injury Claims – Repeal*** (repeals the 20% Rule which states that an expert in a medical malpractice case cannot devote more than 20% of the expert’s professional activities to activities that directly involve testimony in personal injury claims); and ***Senate Bill 5: Civil Actions - Punitive Damage Awards*** (allows the imposition of punitive damages in civil cases under certain circumstances).

Other bills include:

- ***House Bill 41: Hospitals – Community Benefit Report – Disclosure of Tax Exemptions***, which requires that a hospital’s community health benefit report includes an itemization of the value of all tax exemptions received by the hospital. This bill is included on the list because, a few years ago, the Deputy Secretary of the Department of Health, pushed to have nursing facilities included in the community benefit report requirement.
- ***House Bill 59: Long-Term Care Insurance - Premium Rates – Limitation***, which caps premium increases on a policy or contract for long-term care insurance to 20% within a 12-month period.
- ***Senate Bill 8: State Board of Nursing - Maryland Nurse Practice Act – Revisions***, which has been introduced by the Maryland Board of Nursing and removes redundant provisions and streamlines certain reporting requirements on employers. The Maryland Board of Nursing supports.
- ***Senate Bill 75: Income Tax - Credit for Long-Term Care Premiums***, which alters the existing one-time long-term care insurance premiums income tax credit by allowing the credit to be claimed for every year a policy is in force. In tax years 2019 and 2020, individuals can claim a maximum credit of \$250 for each year the policy is in effect; the maximum credit that can be claimed is increased to \$500 beginning in tax year 2021.
- ***Senate Bill 78: Insurance - Risk Retention Groups – Revisions***, which has been introduced by the Maryland Insurance Administration and revises certain requirements related to RRGs.
- ***Senate Bill 87: Controlled Dangerous Substances - Registration, Schedules, Penalties, and Orders of Impoundment***, which requires a person to be registered by the Department of Health before transporting a CDS into the State, adds to the list of CDS itemized in Maryland law, and allows for the imposition of civil penalties for violations.
- ***Senate Bill 135: Paid Leave Compromise Act of 2018***, which is the Governor’s newest version on paid sick leave.