



General Assembly Weekly Report
Week ending January February 10, 2024
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General Weekly Overview

Both the House and the Senate introduction dates have passed. Any legislation introduced now will be considered untimely and will be sent to the Rules Committee. This committee is charged with reviewing legislation and then voting it out to be sent to the committee of jurisdiction. While it is typically a formality, bills have gotten “stuck” in the Rules Committee. More importantly, late filed bills typically only receive a sponsor-only hearing and most do not go beyond that hearing. As of last Friday, there were 2573 bills introduced and 13 resolutions (this includes cross-files). The next date on the calendar to be mindful is the courtesy date (when bills should be reported out of the respective committee and cross-over (when bills should be reported out of the originating chamber).

This week, the Senate Finance Committee heard Senate Bill 73, which is the CCRC bill regarding grievances and entrance fees. LifeSpan is working with Leading Age on amendments focused on greater transparency of policies rather than changing the policies. Other hearing dates on priority bills:

- 2.21 (HGO)/3.12 (FIN) - House Bill 723/Senate Bill 863: Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties
- 2.22 (HGO)/2.29 (FIN) – House Bill 932/Senate Bill 619: State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers
- 3.1 (FIN)/TBD (HGO) – Senate Bill 999/House Bill 1125 - Certified Nursing Assistants – Licensing Requirements and Administrative Updates
- 3.7 (FIN)/TBD (HGO) – Senate Bill 1000/House Bill 1122: Nursing Home – Acquisitions – Revisions

Newly Introduced Legislation for Discussion

House Bill 863: State Board of Nursing – Technology – Upgrade Study

This bill requires a study to be done by October 1, 2024 on upgrading the licensing system used by the State Board of Nursing to allow (i) all initial applications and renewal applications for licenses and certifications issued to be processed online; and (ii) the status of an application to be tracked by the applicant using the Internet. In addition, the study should look at options for upgrading the telephone system to allow: (i) all calls to be routed to the appropriate Board unit; (ii) voice messages to be left outside of office hours; and (iii) Board staff to track call wait times.

House Bill 1084/Senate Bill 1061: Employee Autoimmune Disorder Protection Act

This bill prohibits an employer from requiring an employee to work on-site at the employer's workplace if: (1) the employee provides documentation from a physician or other licensed health care practitioner that: (i) the employee has been diagnosed with an autoimmune disorder or any other qualifying illness; and (ii) on-site work, or travel to and from the workplace, would be unsafe for the employee; and (2) the duties of the employee may reasonably be fulfilled at the home of the employee. **This bill DOES NOT apply to employers in health care or public health.**

House Bill 1103/Senate Bill 875: Miriam Kelty Aging & Senior Social Connector Hub and Spoke Pilot Program

This bill would create a social program that would be administered by the Department of Aging and would create a pilot program in the Montgomery County Villages. The purpose is to support community members who choose to age in place, including by (1) fostering social connections through activities and events; and (2) coordinating volunteer help at home using the neighbor-helping-neighbor model.

House Bill 1125/Senate Bill 999: Certified Nursing Assistants – Licensing Requirements and Administrative Updates

This bill is the continuation of efforts to create one category of certified nursing assistants in the State rather than a separate category for nursing homes. The bill requires all training programs to meet the federal requirements and all those in a training program to pass the Credentia exam rather than only the training program's exam. The bill does not affect current CNAs. NOTE: This remains a work in progress.

House Bill 1176/Senate Bill 1057: HCBS Waiver – Eligibility

This bill applies to waiver services under § 1915(c) of the federal Social Security Act, submitted by the Department to the Centers for Medicare and Medicaid Services (CMS). The bill requires MDH to apply to CMS by October 1, 2024 to expand the financial eligibility for waiver services to include:

- categorically needy individuals with an income disregard up to 300% of the supplemental security income monthly benefit amount; and
- a community spouse resource allowance calculated by assets owned as of the first day of the month of continuous institutionalization for or more days, or as of the first day of the month in which the applicant receives an application for waiver services from the Department.

The bill also requires the Department, in consultation with representatives of the affected industry and advocates for waiver candidates, and with the approval of the Department of Aging, to adopt regulations that establish a timeline within which the Department is required to approve or deny the application of an applicant.

House Bill 1177: CCRC – Subscriber Rights and Provider Duties

This bill is similar to the previous bill (Senate Bill 73/House Bill 68). This bill increases board representation of subscribers, adds subscriber rights, requires providers to provide services and fees and a copy of the continuing care agreement, requires providers to conduct a satisfaction survey of subscribers; regularly inform a subscriber's family members, as chosen by the subscriber, about the subscriber's condition and care plan; provider subscriber's with a report

every six months on the health of the community; inform subscribers of a sale; notify subscribers of any change in delivery of health care services, food services or facility maintenance and allow subscriber's to give feedback, and require the Secretary of Aging to a continuing care ombudsman for each county.

House Bill 1253/Senate Bill 813: Health Care Facilities – Access to a Telephone

This bill references health care facilities, which applies to nursing homes and possibly assisted living programs. Essentially, it requires a resident to have access to a telephone. The facility must ensure that:

- each individual is informed of the availability of a telephone for private use;
- a telephone is provided in the individual's room or in a private area that is accessible to the individual;
- the telephone is maintained on a regular basis and functioning;
- the telephone is capable of making outgoing and receiving incoming local and long-distance calls; and
- the telephone is accessible for use by an individual with a hearing impairment and is hearing-aid compatible or provides an adequate range of volume.

The facility must also establish a clear and understandable process for an individual to request other assistive communication technology based on the individual's specific communication needs.

House Bill 1263/Senate Bill 952: Assisted Living Programs – Assisted Living Referrers Requirements and Prohibitions

In addition to current requirements, this bill requires assisted living referrers to maintain general liability insurance, require employees to obtain a criminal history records check, sign a federal HIPPA agreement with the client or the client's representative, maintain a signed, written, and dated document between the assisted living referrer and the client or the client's representative outlining the terms of assistance provided by the assisted living referrer. An assisted living referrer making a referral to an assisted living program must arrange and facilitate a tour of the assisted living program for the client and the client's family. During the tour, a representative of the assisted living referrer and a representative of the assisted living program must be present. The bill prohibits an assisted living referrer from requesting payment of a referral fee from an assisted living program more than 1 year after the assisted living referrer provided the referral. The bill requires the OHCQ to maintain a user-friendly database of licensed assisted living programs and ensure that each assisted living referrer has access to the database.

Senate Bill 825: Health Facility – Delegation of Inspection Authority – Related Institutions and Nursing Homes

This bill requires, on the request of a unit of local government, the Secretary of Health to delegate to the unit of local government the authority to inspect related institutions, which includes nursing homes and possibly assisted living programs.

House Bill 998/Senate Bill 846: Maryland Department of Labor – Unemployment – Study on Actively Seeking Work Requirements

This bill requires the Maryland Department of Labor, on or before December 1, 2024, to conduct a study on the actively seeking work requirement of the unemployment insurance system in the State and other states to evaluate the effects of ghosting on actively seeking work requirements and report on the study to the General Assembly.