

HOUSE BILL 1542

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CF 6lr3498

By: **Delegates B. Barnes, Frush, and Pena–Melnyk**

Introduced and read first time: February 19, 2016

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Nursing Facilities – Quality Assessment – Modification**

3 FOR the purpose of altering the applicability of a certain quality assessment imposed by
4 the Department of Health and Mental Hygiene, and certain provisions of law
5 relating to a certain quality assessment, to certain nursing facilities; and generally
6 relating to a quality assessment on nursing facilities.

7 BY repealing and reenacting, with amendments,

8 Article – Health – General

9 Section 19–310.1

10 Annotated Code of Maryland

11 (2015 Replacement Volume)

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

14 **Article – Health – General**

15 19–310.1.

16 (a) (1) This section applies to a nursing facility, as defined in § 19–301 of this
17 subtitle, that:

18 (i) Has ~~[45]~~ **70** or more beds; and

19 (ii) Operates in the State.

20 (2) This section does not apply to a nursing home bed in a continuing care
21 retirement community that has obtained a certificate of registration to provide continuing
22 care under Title 10, Subtitle 4 of the Human Services Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) The Department may impose a quality assessment on each freestanding
2 nursing facility subject to this section.

3 (2) The amount assessed in the aggregate on all nursing facilities may not
4 exceed 6.0% of the operating revenue for all nursing facilities subject to this section for the
5 previous fiscal quarter.

6 (3) The assessment authorized by this section shall be paid by each nursing
7 facility in accordance with this section.

8 (c) (1) On or before the 60th day after each quarter of the State fiscal year,
9 each nursing facility subject to this section shall pay to the Comptroller an amount
10 determined by the Department based on an amount per non-Medicare day of service for
11 the previous fiscal quarter.

12 (2) The assessment shall be based on an amount per patient day, not
13 including Medicare days.

14 (d) (1) All amounts collected by the State Comptroller under this section shall
15 be distributed to a special fund, to be used by the Department only to fund reimbursements
16 to nursing facilities under the Medicaid program.

17 (2) At least 65% of the funds allocated by the Department as
18 reimbursements to nursing facilities under this section shall be in addition to and may not
19 supplant funds already appropriated for this purpose.

20 (e) The Department shall adopt regulations to implement this section.

21 (f) On or before September 1, 2015, and each year thereafter, the Department
22 shall report to the General Assembly, in accordance with § 2-1246 of the State Government
23 Article, on the implementation of this section, including:

24 (1) The percentage and amount of the assessment charged to each nursing
25 facility subject to this section;

26 (2) The number of nursing facilities subject to this section with a net loss;
27 and

28 (3) A comparison of the total amount provided in the Medicaid budget for
29 nursing home reimbursement in the current fiscal year to the actual amount received in
30 the immediately prior fiscal year.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2016.