

HB0121/763122/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 121

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Charkoudian**” and substitute “**Delegates Charkoudian, Pena-Melnyk, Cullison, Alston, Bagnall, Bhandari, Guzzone, Hill, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, Taveras, White, and Woods**”; in line 2, strike “- **Requirements**” and substitute “**and Residence Grievance System**”; in line 11, after “treatment;” insert “**requiring the Maryland Department of Health to adopt certain regulations relating to the appeals process;**”; in the same line, strike “certain” and substitute “**State**”; in line 13, after “treatment;” insert “**requiring the Department to report certain information related to the Resident Grievance System to the General Assembly on or before a certain date each year;**”; strike beginning with the second “treatment” in line 13 down through “to” in line 14 and substitute “**mental**”; and after line 19, insert:

“BY adding to

Article - Health - General

Section 10-908 to be under the new part “Part II. Resident Grievance System Reporting”

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)”.

AMENDMENT NO. 2

On page 3, strike beginning with “AND” in line 5 down through “TREATMENT” in line 6; in line 7, strike “ASK” and substitute “:

(I) ASK”;

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in line 8, strike “THE INCLUSION OF”; in the same line, strike “IN” and substitute “BEING INFORMED OF AND GIVEN THE OPPORTUNITY TO PARTICIPATE IN MEETINGS WITH THE TREATMENT TEAM REGARDING”; in line 10, after “INDIVIDUAL” insert “; AND

(II) IF CONSENT IS GIVEN UNDER ITEM (I) OF THIS PARAGRAPH, AT LEAST EVERY 7 DAYS AFTER CONSENT IS GIVEN, RECONFIRM THE CONSENT AND PROVIDE THE INDIVIDUAL AT A CLINICAL VISIT WITH AN OPPORTUNITY TO CONSENT TO ADDITIONAL INDIVIDUALS BEING INFORMED OF AND GIVEN THE OPPORTUNITY TO PARTICIPATE IN MEETINGS WITH THE TREATMENT TEAM”;

strike beginning with “INCLUDE” in line 14 down through “AND” in line 22 and substitute “PROVIDE A SCHEDULE OF ROUTINE TREATMENT TEAM MEETINGS WHERE THE PLAN OF TREATMENT IS DISCUSSED;”; strike beginning with “PROVIDE” in line 23 down through “SCHEDULED” in line 27 and substitute “ESTABLISH A PROCESS FOR THE AUTHORIZED INDIVIDUALS TO PARTICIPATE IN TREATMENT TEAM MEETINGS;”

(III) IF THE TREATMENT TEAM MEETING IS BEING HELD OUTSIDE THE REGULAR SCHEDULE, INFORM THE AUTHORIZED INDIVIDUALS AS SOON AS THE MEETING IS SCHEDULED; AND

(IV) IF THE TREATMENT TEAM MEETING IS BEING HELD DUE TO AN EMERGENCY, INFORM THE AUTHORIZED INDIVIDUALS OF THE OUTCOME OF THE MEETING AS SOON AS PRACTICABLE”;

and after line 29, insert:

“(4) A TREATING PROVIDER MAY WITHHOLD INFORMATION ON AN INDIVIDUAL PLAN OF TREATMENT FROM A FAMILY MEMBER OR OTHER AUTHORIZED INDIVIDUAL IF:

(I) IN THE TREATING PROVIDER’S CLINICAL JUDGMENT, THE CONSENT GIVEN UNDER PARAGRAPH (1) OF THIS SUBSECTION WAS PROVIDED THROUGH COERCIVE MEANS;

(II) THE TREATING PROVIDER BELIEVES IT IS IN THE BEST CLINICAL INTEREST OF THE INDIVIDUAL; OR

(III) THE INDIVIDUAL REQUESTS THAT A SPECIFIC PIECE OF THE PLAN OF TREATMENT BE WITHHELD.”.

On page 4, in line 8, strike “CONDUCT” and substitute “:

(I) CONDUCT”;

strike beginning with “THAT” in line 9 down through “TREATMENT” in line 11 and substitute “;

(II) COMMUNICATE THE RESULTS OF THE REVIEW AND REASSESSMENT OF THE PLAN OF TREATMENT TO THE PATIENT AND INDIVIDUAL WHO REQUESTED THE REVIEW AND REASSESSMENT, INCLUDING AN EXPLANATION OF HOW ALL ISSUES RAISED IN THE REQUEST WERE CONSIDERED; AND

(III) INCLUDE THE REQUEST FOR THE REVIEW AND REASSESSMENT OF THE PLAN OF TREATMENT AND THE OUTCOME OF THE

(Over)

REVIEW AND ASSESSMENT, INCLUDING THE EXPLANATION OF THE OUTCOME, IN THE MEDICAL RECORDS OF THE INDIVIDUAL”;

and strike beginning with “**IF**” in line 12 down through “**INDIVIDUAL**” in line 19 and substitute “**IF A STATE FACILITY DOES NOT MAKE ANY CHANGES TO THE PLAN OF TREATMENT FOR THE INDIVIDUAL, THE STATE FACILITY SHALL PROVIDE REFERRAL INFORMATION FOR THE RESIDENT GRIEVANCE SYSTEM ESTABLISHED UNDER COMAR 10.21.14**”.

On pages 4 through 6, strike beginning with “**(1)**” in line 20 on page 4 down through “**FILED**” in line 15 on page 6 and substitute “**AN INDIVIDUAL ADMITTED TO A STATE FACILITY OR ANOTHER INDIVIDUAL AUTHORIZED BY THE ADMITTED INDIVIDUAL MAY REQUEST A RECONSIDERATION OF THE REVIEW AND REASSESSMENT COMPLETED UNDER SUBSECTION (G) OF THIS SECTION BY FILING A GRIEVANCE WITH THE RESIDENT GRIEVANCE SYSTEM UNDER COMAR 12.21.14.**”

(i) (1) AN INDIVIDUAL ADMITTED TO A STATE FACILITY OR ANOTHER INDIVIDUAL AUTHORIZED BY THE ADMITTED INDIVIDUAL MAY APPEAL THE RECONSIDERATION OF THE REVIEW AND REASSESSMENT COMPLETED UNDER SUBSECTION (H) OF THIS SECTION BY FILING A REQUEST WITH THE DEPARTMENT’S HEALTHCARE SYSTEM’S CHIEF MEDICAL OFFICER.

(2) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR THE APPEAL OF THE RECONSIDERATION OF THE REVIEW AND REASSESSMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION”.

On page 6, in line 16, strike “**A**” and substitute “**AN INDIVIDUAL IS ADMITTED TO A STATE FACILITY AND THE STATE**”; in line 18, after the second “**THE**” insert

“STATE”; in line 21, after “THE” insert “STATE”; in line 23, after the first “THE” insert “STATE”; and after line 24, insert:

“PART II. RESIDENT GRIEVANCE SYSTEM REPORT.

10-908.

ON OR BEFORE JANUARY 1 EACH YEAR, BEGINNING IN 2024, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE RESIDENT GRIEVANCE SYSTEM ESTABLISHED UNDER COMAR 12.21.14; AND

(2) THE GRIEVANCES THAT WERE RECEIVED BY THE RESIDENT GRIEVANCE SYSTEM RELATED TO STATE FACILITIES DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.”