

HOUSE BILL 938

O2

5lr3191

By: **Delegates Stein, Bhandari, Cardin, Forbes, Guyton, Hill, J. Lewis, and Ruff**
Introduced and read first time: January 31, 2025
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Continuing Care Providers – Governing Bodies – Membership**

3 FOR the purpose of requiring the appointment of an alternate subscriber member to the
4 governing body of a continuing care provider; providing for the duties of the alternate
5 subscriber member; and generally relating to the membership of governing bodies of
6 continuing care providers.

7 BY repealing and reenacting, with amendments,
8 Article – Human Services
9 Section 10–427
10 Annotated Code of Maryland
11 (2019 Replacement Volume and 2024 Supplement)

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

14 **Article – Human Services**

15 10–427.

16 (a) (1) If a provider has a governing body, at least one of the provider’s
17 subscribers shall be a full and regular member of the governing body.

18 (2) If the provider owns or operates more than three facilities in the State,
19 the governing body shall include at least one of the provider’s subscribers for every three
20 facilities in the State.

21 **(3) (1) IF THE GOVERNING BODY HAS ONLY ONE SUBSCRIBER, THE**
22 **GOVERNING BODY SHALL AUTHORIZE THE APPOINTMENT OF AN ALTERNATE**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SUBSCRIBER TO SERVE AS A REGULAR MEMBER OF THE GOVERNING BODY IF THE
2 REGULAR SUBSCRIBER IS UNABLE TO FULFILL THE SUBSCRIBER'S DUTIES.

3 (II) THE ALTERNATE SUBSCRIBER MAY:

4 1. ATTEND ALL MEETINGS OF THE GOVERNING BODY;
5 AND

6 2. VOTE ONLY IF THE REGULAR SUBSCRIBER IS UNABLE
7 TO FULFILL THE SUBSCRIBER'S DUTIES AS A REGULAR MEMBER OF THE GOVERNING
8 BODY.

9 [(3)] (4) Subject to paragraph [(4)] (5) of this subsection, a **REGULAR OR**
10 **ALTERNATE** member of the governing body who is selected to meet the requirements of
11 this subsection shall be a subscriber at a facility in the State and be selected according to
12 the same general written standards and criteria used to select other members of the
13 governing body.

14 [(4)] (5) The governing body shall confer with the resident association at
15 each of the provider's facilities before the subscriber **OR ALTERNATE SUBSCRIBER**
16 officially joins the governing body.

17 [(5)] (6) (i) A subscriber member **OR ALTERNATE SUBSCRIBER**
18 **MEMBER** of a governing body may report on nonconfidential deliberations, actions, and
19 policies of the governing body to the resident association.

20 (ii) The governing body in its sole but reasonable discretion shall
21 determine whether a matter is confidential.

22 [(6)] (7) The Secretary may waive the requirements of this subsection for
23 a provider in the process of decertifying as a provider, if the Secretary determines that
24 there are no subscribers willing and able to serve on the governing body.

25 (b) (1) If a provider does not have a governing body, the provider shall appoint
26 a select committee of its officers or partners to meet at least quarterly with the resident
27 association at each of its facilities to address concerns of the subscribers and to ensure that
28 the opinions of subscribers are relayed to all officers or partners of the provider.

29 (2) If a facility does not have a resident association, the committee shall
30 meet with a reasonable number of representatives, not required to exceed fifteen, that the
31 subscribers elect.

32 (c) As determined by the provider's governing body, the provider shall make
33 available to subscribers either the nonconfidential portions of the minutes of each meeting

1 of the governing body or a summary of the nonconfidential portions of the minutes, within
2 1 month of approval of the minutes.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2025.