

requiring the Department of Health and Mental Hygiene to pay for the evaluation; providing that the evaluation shall include certain factors; specifying the nature of the evaluation; requiring the Department to prepare and publish certain information and to provide the information to certain individuals at a certain time; prohibiting certain patient detention under certain circumstances; and requiring the Secretary of Health and Mental Hygiene to adopt rules and regulations to carry out this Act.

BY adding to

Article - Health - General
Section 15-301
Annotated Code of Maryland
(1982 Volume and 1985 Supplement)

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

Article - Health - General

15-301.

(A) AN INDIVIDUAL WHO IS ELIGIBLE FOR MEDICAL ASSISTANCE AT THE TIME OF APPLICATION FOR ADMISSION TO A LICENSED NURSING HOME OR WOULD BECOME ELIGIBLE WITHIN 6 MONTHS FOLLOWING ADMISSION SHALL BE PROVIDED A COMPREHENSIVE FACE-TO-FACE EVALUATION PRIOR TO ADMISSION, AT NO CHARGE TO THE INDIVIDUAL. THE DEPARTMENT, UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM, SHALL PAY FOR THE EVALUATION. THE EVALUATION SHALL INCLUDE AN ASSESSMENT OF AN INDIVIDUAL'S HEALTH, SOCIAL AND FUNCTIONAL STATUS AND RECOMMENDATIONS FOR AVAILABLE SERVICES WHICH COULD APPROPRIATELY SUBSTITUTE FOR NURSING HOME CARE. THE EVALUATION IS ADVISORY ONLY AND MAY NOT SERVE AS THE BASIS FOR ANY ACTION, INCLUDING DENIAL OR COMMENCEMENT OF BENEFITS, THAT RESTRICTS THE FREEDOM OF ANY INDIVIDUAL TO SELECT FROM AMONG ANY OF THE AVAILABLE SERVICES, INCLUDING NURSING HOME CARE, FOR WHICH THE INDIVIDUAL IS FOUND TO BE MEDICALLY ELIGIBLE. PRIOR TO BEGINNING THE EVALUATION PROCESS AND ANNUALLY THEREAFTER, THE DEPARTMENT SHALL PREPARE AND PUBLISH AN INVENTORY OF AVAILABLE SERVICES FOR USE IN THE EVALUATION AND SHALL PROVIDE THIS INFORMATION FOR ASSISTANCE TO THE INDIVIDUAL UPON COMPLETION OF THE EVALUATION.

(B) THE DEPARTMENT SHALL ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

(C) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE A HOSPITAL OR PHYSICIAN TO DETAIN A PATIENT FOR AN EVALUATION BEYOND THE APPROPRIATE DATE OF DISCHARGE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1986.

Approved May 13, 1986.
