

Article - Health - General

Section ~~19-1403, 19-1408, and~~ 19-1406 through 19-1409

Annotated Code of Maryland

(1996 Replacement Volume and 1999 Supplement)

BY adding to

Article - Health - General

Section 19-1405 through 19-1407

Annotated Code of Maryland

(1996 Replacement Volume and 1999 Supplement)

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

Article - Health - General

Subtitle 14. Nursing Homes [- Civil Money Penalties].

19-1401.

(a) In this subtitle, the following words have the meanings indicated.

(B) "ACTUAL HARM DEFICIENCY" MEANS A CONDITION EXISTING IN A NURSING HOME OR AN ACTION OR INACTION BY THE NURSING HOME STAFF THAT HAS CAUSED PHYSICAL OR EMOTIONAL INJURY OR IMPAIRMENT TO A RESIDENT.

[(b)](C) "Deficiency" [shall mean any failure of a nursing facility to meet the requirements of this subtitle or any rule or regulation that the Secretary adopts under this subtitle, and, in the case of a nursing facility that participates in the Maryland Medicaid Program under Title 15 of this article as a nursing facility, any failure to meet the requirements of § 1919(b), (c), or (d) of the federal Social Security Act (42 U.S.C. § 1396R(b), (c), or (d)), that is serious or life threatening.] MEANS A CONDITION EXISTING IN A NURSING HOME OR AN ACTION OR INACTION BY THE NURSING HOME STAFF THAT RESULTS IN POTENTIAL FOR MORE THAN MINIMAL HARM, ACTUAL HARM, OR SERIOUS AND IMMEDIATE THREAT TO ONE OR MORE RESIDENTS.

[(c) "Life threatening" shall mean a condition existing in a nursing facility that presents an imminent danger of health or serious mental or physical harm to the residents of the nursing facility and must be remedied immediately to insure their health, safety, and welfare.]

(d) "Nursing [facility] HOME" means a facility (other than a facility offering domiciliary or personal care as defined in Subtitle 3 of this title) which offers nonacute inpatient care to patients suffering from a disease, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent services, restorative services, or rehabilitative services.