

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect on the ~~date that~~ first day of the State fiscal quarter during which the Centers for Medicare and Medicaid Services approves a waiver applied for in accordance with Section 2 of this Act. The Department of Health and Mental Hygiene shall, within 5 working days of the date of the approval of the State's waiver application, notify the Department of Legislative Services in writing at 90 State Circle, Annapolis, Maryland 21401. If the waiver is denied, the Department of Health and Mental Hygiene shall, within 5 working days of the date of the denial of the State's waiver application, notify the Department of Legislative Services in writing at 90 State Circle, Annapolis, Maryland 21401. If the waiver is denied, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The assessment on nursing facilities authorized by this Act shall terminate if:

(1) the assessment is not permissible under § 1903(w) of the Social Security Act; or

(2) the nursing home payment system is replaced with a system that is not cost-based and the Department is unable to obtain the enhanced federal match since the nursing facility assessment as an allowable cost would not be applicable.

(b) If the assessment is terminated in accordance with subsection (a) of this section, the Department of Health and Mental Hygiene shall, within 5 working days of the date of termination, notify the Department of Legislative Services in writing at 90 State Circle, Annapolis, Maryland 21401.

(c) If the assessment is terminated in accordance with subsection (a) of this section, this Act shall be null and void without the necessity of further action by the General Assembly.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(a) Beginning July 1, 2008, a portion of the revenues from the quality assessment shall be distributed to nursing facilities subject to this Act based on accountability measures that indicate quality of care or a commitment to quality of care. The accountability measures should be objective, measurable, and when considered in combination with each other, deemed to have a correlation to residents' quality of life and care. The Department of Health and Mental Hygiene shall develop accountability measures in consultation with representatives of the nursing facilities and other stakeholders.