

HOUSE BILL 443

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7lr1467

By: **Delegates West, Bromwell, Cullison, Kelly, Metzgar, and Miele**

Introduced and read first time: January 26, 2017

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs – Licensure Fees**

3 FOR the purpose of repealing a requirement that the Department of Health and Mental
4 Hygiene adopt regulations requiring the Secretary of Health and Mental Hygiene to
5 charge certain fees in a certain manner; requiring the Department to adopt
6 regulations that establish a certain application fee for an assisted living program
7 license; and generally relating to licensure fees for assisted living programs.

8 BY repealing and reenacting, with amendments,
9 Article – Health – General
10 Section 19–1805
11 Annotated Code of Maryland
12 (2015 Replacement Volume and 2016 Supplement)

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

15 **Article – Health – General**

16 19–1805.

17 (a) The Department shall:

18 (1) Define different levels of assisted living according to the level of care
19 provided;

20 (2) Require all assisted living programs to be licensed to operate according
21 to the level of the program;

22 (3) Develop a waiver process for authorizing an assisted living program to
23 continue to care for an individual whose medical or functional condition has changed since

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



admission to the program to an extent that the level of care required by the individual exceeds the level of care for which the program is licensed;

(4) Promote affordable and accessible assisted living programs throughout the State;

(5) Establish and enforce quality standards for assisted living programs;

(6) Require periodic inspections of assisted living program facilities, including at least an annual unannounced on-site inspection;

(7) Establish requirements for the qualifications or training or both of assisted living program employees;

(8) Establish a “resident bill of rights” for residents of assisted living program facilities; and

(9) Define which, if any, assisted living programs may be exempt from the requirements of § 19–311 of this title.

(b) (1) The Department, in consultation with representatives of the affected industry and advocates for residents of the facilities and with the approval of the Department of Aging and the Department of Human Resources, shall adopt regulations to implement this subtitle.

(2) The regulations adopted under paragraph (1) of this subsection shall:

(i) Provide for the licensing of assisted living programs and the renewal of licenses;

(ii) [Require the Secretary to charge fees in a manner that will produce funds not to exceed the actual direct and indirect costs to the Department for inspecting assisted living program facilities and maintaining the licensure program for assisted living programs under this subtitle] **ESTABLISH THE APPLICATION FEE TO BE PAID TO THE SECRETARY BY AN APPLICANT FOR AN ASSISTED LIVING PROGRAM LICENSE;**

(iii) Require the Department, during a survey or other inspection of an assisted living program, to review the number of waivers granted to the program under subsection (a)(3) of this section and determine whether a change in the program’s licensure status is warranted; and

(iv) Require an assisted living program facility to post in a conspicuous place visible to actual and potential residents of the facility and other interested parties:

1 1. A. Its statement of deficiencies for the most recent
2 survey;

3 B. Any subsequent complaint investigations conducted by
4 federal, State, or local surveyors; and

5 C. Any plans of correction in effect with respect to the survey
6 or complaint investigation; or

7 2. A notice of the location, within the facility, of the items
8 listed in item 1 of this item.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
10 1, 2017.