

Chapter 471

(House Bill 554)

AN ACT concerning

Division of Consumer Protection – Assisted Living Programs

FOR the purpose of requiring certain assisted living programs to report certain information, on or before a certain date each year, to the Division of Consumer Protection of the Office of the Attorney General; requiring the Office of Health Care Quality within the Maryland Department of Health to notify the Division of Consumer Protection of the appointment of an assisted living program as a resident's representative payee within a certain time after being made aware of the appointment; requiring the Office of Health Care Quality within the Maryland Department of Health to refer an allegation of an unfair, abusive, or deceptive trade practice by an assisted living program to the Division of Consumer Protection ~~under certain circumstances~~ and the Office of the Inspector General within the Department; defining a certain term; and generally relating to assisted living programs and the Division of Consumer Protection of the Office of the Attorney General.

BY adding to

Article – Commercial Law

Section 13–4B–01 to be under the new subtitle “Subtitle 4B. Reporting Requirements
for Assisted Living Programs”

Annotated Code of Maryland

(2013 Replacement Volume and 2020 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 19–1801

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

BY adding to

Article – Health – General

Section 19–1814

Annotated Code of Maryland

(2019 Replacement Volume and 2020 Supplement)

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

Article – Commercial Law**SUBTITLE 4B. REPORTING REQUIREMENTS FOR ASSISTED LIVING PROGRAMS.**

13-4B-01.

(A) IN THIS SECTION, “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN § 19-1801 OF THE HEALTH – GENERAL ARTICLE.

(B) ON OR BEFORE JUNE 1 EACH YEAR, EACH ASSISTED LIVING PROGRAM THAT WAS APPOINTED AS A REPRESENTATIVE PAYEE FOR RESIDENTS OF THE ASSISTED LIVING PROGRAM FACILITY AT ANY POINT DURING THE REPORTING PERIOD SHALL REPORT TO THE DIVISION ON THE USE OF:

(1) SOCIAL SECURITY BENEFITS BY RESIDENTS OF THE ASSISTED LIVING PROGRAM FACILITY DURING THE IMMEDIATELY PRECEDING YEAR; AND

(2) OTHER FEDERAL, STATE, OR LOCAL GOVERNMENT FUNDS BY RESIDENTS OF THE ASSISTED LIVING PROGRAM FACILITY DURING THE IMMEDIATELY PRECEDING YEAR THAT ARE ALLOCATED FOR THE PURPOSE OF ASSISTING INDIVIDUALS WHO ARE AGED, DISABLED, OR BLIND.

(C) THE OFFICE OF HEALTH CARE QUALITY SHALL NOTIFY THE DIVISION OF THE APPOINTMENT OF AN ASSISTED LIVING PROGRAM AS A RESIDENT’S REPRESENTATIVE PAYEE WITHIN A REASONABLE TIME AFTER BEING MADE AWARE OF THE APPOINTMENT.

Article – Health – General

19-1801.

In this subtitle:

(1) “Assisted living program” means a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for the individuals.

(2) “Assisted living program” does not include:

- (i) A nursing home, as defined under § 19-1401 of this title;
- (ii) A State facility, as defined under § 10-101 of this article;
- (iii) A program licensed by the Department under Title 7 or Title 10 of this article;

- (iv) A hospice care program regulated by the Department under Subtitle 9 of this title;
- (v) Services provided by family members;
- (vi) Services provided in an individual's own home; or
- (vii) A program certified by the Department of Human Services under Title 6, Subtitle 5, Part II of the Human Services Article as a certified Adult Residential Environment Program.

19-1814.

THE OFFICE OF HEALTH CARE QUALITY WITHIN THE DEPARTMENT, ~~WHEN REFERRING SHALL REFER AN ALLEGATION OF AN UNFAIR, ABUSIVE, OR DECEPTIVE TRADE PRACTICE BY AN ASSISTED LIVING PROGRAM TO THE OFFICE OF THE INSPECTOR GENERAL WITHIN THE DEPARTMENT, SHALL CONCURRENTLY REFER THE ALLEGATION TO~~ THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF THE ATTORNEY GENERAL AND TO THE OFFICE OF THE INSPECTOR GENERAL WITHIN THE DEPARTMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 30, 2021.