

HOUSE BILL 1072

J3, N1
HB 623/21 – ENT

2lr1280

By: **Delegate Holmes**

Introduced and read first time: February 10, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Program Licensing – Notice of Applicant Located in Common**
3 **Ownership Community**

4 FOR the purpose of requiring the Secretary of Health, if the Secretary receives a licensure
5 application for an assisted living program, to notify the county health officer for the
6 county in which the program would operate; requiring the county health officer to
7 determine whether an assisted living program is to be operated within a common
8 ownership community in the county and, if so, to provide notice of the application to
9 the governing body of the county and the governing body of a common ownership
10 community; and generally relating to applications for licensure of assisted living
11 programs.

12 BY repealing and reenacting, without amendments,
13 Article – Health – General
14 Section 19–1801
15 Annotated Code of Maryland
16 (2019 Replacement Volume and 2021 Supplement)

17 BY adding to
18 Article – Health – General
19 Section 19–1804.1(e)
20 Annotated Code of Maryland
21 (2019 Replacement Volume and 2021 Supplement)

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

24 **Article – Health – General**

25 19–1801.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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.

19–1804.1.

(E) (1) IN THIS SUBSECTION, “COMMON OWNERSHIP COMMUNITY” MEANS:

(I) A CONDOMINIUM ORGANIZED UNDER TITLE 11 OF THE REAL PROPERTY ARTICLE;

(II) A HOMEOWNERS ASSOCIATION ORGANIZED UNDER TITLE 11B OF THE REAL PROPERTY ARTICLE; OR

(III) A COOPERATIVE HOUSING CORPORATION ORGANIZED UNDER TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(2) IF THE SECRETARY RECEIVES A LICENSURE APPLICATION UNDER THIS SECTION FOR AN ASSISTED LIVING PROGRAM, THE SECRETARY SHALL NOTIFY

1 THE COUNTY HEALTH OFFICER FOR THE COUNTY IN WHICH THE ASSISTED LIVING
2 PROGRAM WOULD OPERATE.

3 (3) (I) IF THE COUNTY HEALTH OFFICER RECEIVES NOTICE
4 PROVIDED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY HEALTH
5 OFFICER SHALL DETERMINE WHETHER THE ASSISTED LIVING PROGRAM IS TO BE
6 OPERATED WITHIN A COMMON OWNERSHIP COMMUNITY.

7 (II) IF THE COUNTY HEALTH OFFICER DETERMINES THAT THE
8 ASSISTED LIVING PROGRAM IS TO BE OPERATED WITHIN A COMMON OWNERSHIP
9 COMMUNITY IN THE COUNTY, THE COUNTY HEALTH OFFICER SHALL SEND NOTICE
10 OF THE APPLICATION TO:

- 11 1. THE GOVERNING BODY OF THE COUNTY; AND
- 12 2. THE GOVERNING BODY OF THE COMMON OWNERSHIP
13 COMMUNITY.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2022.