

Chapter 786

(Senate Bill 613)

AN ACT concerning

State Board of Long-Term Care Administrators – Requirements for Assisted Living Managers

FOR the purpose of extending the date by which individuals must be licensed by the State Board of Long-Term Care Administrators before practicing as an assisted living manager in the State; altering the requirements for the manager training course that certain assisted living managers are required to complete; altering the requirements for serving as an interim assisted living manager; and generally relating to the State Board of Long-Term Care Administrators and assisted living managers.

BY repealing and reenacting, with amendments,

Article – Health – General

Section 19–1807

Annotated Code of Maryland

(2023 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations

Section 9–202(a), 9–3A–01, 9–3A–02, and 9–401(b)(3)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 9–401(a)(3)

Annotated Code of Maryland

(2021 Replacement Volume and 2023 Supplement)

BY repealing

Chapter 689 of the Acts of the General Assembly of 2022

Section 3 and 5

BY repealing

Chapter 690 of the Acts of the General Assembly of 2022

Section 3 and 5

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

Article – Health – General

19–1807.

(a) (1) Except as provided in subsection (d) of this section, an assisted living manager who is employed by an assisted living program shall have completed a manager training course that is approved by the Department and includes an examination.

(2) The manager training course shall:

(i) Consist of at least 80 hours; **AND**

(ii) [Require attendance or participation at training programs that provide for direct interaction between faculty and participants; and

(iii)] ~~Authorize~~ **PROVIDE** [a maximum of 25 hours of] **THE** training through [Internet courses, correspondence courses, tapes, or other] **IN–PERSON COURSES** ~~AND, VIRTUAL~~ training methods, **OR A COMBINATION OF BOTH** [that do not require direct interaction between faculty and participants].

(b) An assisted living manager employed by a program shall be required to complete 20 hours of Department–approved continuing education every 2 years.

(c) In addition to the sanctions specified in COMAR 10.07.14.48, an assisted living program that fails to employ an assisted living manager who meets the requirements of this section may be subject to a civil money penalty not to exceed \$10,000.

(d) (1) The requirements of subsection (a) of this section do not apply to an individual who:

(i) Is employed by an assisted living program and has enrolled in a Department–approved manager training course that the individual expects to complete within 6 months;

(ii) Is temporarily serving as an assisted living manager under § 9–3A–01 of the Health Occupations Article due to an assisted living manager leaving employment and prior to the hiring of a permanent assisted living manager; or

(iii) Subject to paragraph (2) of this subsection:

1. Has been employed as an assisted living manager in the State for 1 year prior to January 1, 2006; or

2. Is licensed as a nursing home administrator in the State.

(2) The Department may require an individual who is exempt under paragraph (1)(iii) of this subsection to complete a manager training course and examination

if the Department finds that the assisted living manager repeatedly has violated State law or regulations on assisted living and that those violations have caused actual physical or emotional harm to a resident.

(e) The Department shall ensure that manager training courses approved by the Department are affordable and accessible to assisted living programs and to individuals seeking to enroll in the courses.

Article – Health Occupations

9–202.

(a) (1) The Board consists of 18 members.

(2) Of the Board members:

(i) Five shall be licensed nursing home administrators, one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators or assisted living managers but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(iii) 1. [Before October 1, 2024] **AS SOON AS PRACTICABLE**, five shall be [individuals] **ASSISTED LIVING MANAGERS** who have:

A. Completed the manager training course required under § 19–1807(a) of the Health – General Article or are exempt from the requirement under § 19–1807(d) of the Health – General Article; and

B. Been actively employed by an assisted living program; and

2. On or after [October 1, 2024] **JULY 1, 2026**, five shall be licensed assisted living managers;

(iv) One shall be a physician or a nurse practitioner who specializes in geriatrics;

(v) One shall be a geriatric social worker;

(vi) One shall be the State Long–Term Care Ombudsman designated under § 10–903 of the Human Services Article; and

(vii) Two shall be consumer members.

(3) Not more than three members may be officials or full-time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

9-3A-01.

(a) Except as otherwise provided in this subtitle, beginning **[October 1, 2024]** **JULY 1, 2026**, an individual must be licensed by the Board before the individual may practice as an assisted living manager in the State.

(b) (1) If a licensed assisted living manager leaves or is removed from a position as an assisted living manager by death or for any other unexpected cause, the owner of the assisted living program or other appropriate designee shall immediately:

(i) 1. Designate a licensed assisted living manager to serve in that capacity; and

2. Notify the Board of the designated licensed assisted living manager's name; or

(ii) Appoint an alternate assisted living manager or a nonlicensed individual to serve in the capacity of interim assisted living manager.

(2) (i) **[Except as provided in paragraph (3) of this subsection, the]** **THE** appointed alternate assisted living manager or nonlicensed individual may act as the interim assisted living manager on filing an application with the Board requesting a provisional license to practice as the interim assisted living manager for a period not to exceed 90 days.

(ii) 1. The owner or other appropriate designee shall immediately notify the Board of the appointment and forward the credentials of the individual appointed to the Board for evaluation to ensure that the individual appointed is experienced, trained, and competent.

2. The Board may issue a provisional license to the applicant if the Board determines, in its discretion, that the applicant is of good moral character and capable of adequately administering the assisted living program for the provisional period.

3. If the Board denies an application submitted in accordance with subparagraph (i) of this paragraph:

A. The nonlicensed individual shall immediately cease acting as the interim assisted living manager; and

B. If a licensed assisted living manager remains unavailable, the owner or other appropriate designee shall immediately appoint another nonlicensed individual to act as the interim assisted living manager.

4. An individual appointed under subsubparagraph 3 of this subparagraph shall file an application for a provisional license with the Board in accordance with this paragraph.

(iii) The provisional period begins on the date that the licensed assisted living manager leaves or is removed from the position as an assisted living manager.

(iv) The Board, on request and for good cause shown, may extend the initial provisional period for a further period of not more than 30 days.

(3) [The appointed alternate assisted living manager or nonlicensed individual may serve in the capacity of interim assisted living manager if the individual has enrolled in a manager training course that the individual expects to complete within 6 months and has provided the notice required under paragraph (2) of this subsection.

(4)] Except as provided in paragraph [(7)] (6) of this subsection, a licensed assisted living manager designated under paragraph (1)(i) of this subsection shall submit to a criminal history records check in accordance with § 9–302.1 of this title.

[(5)] (4) Except as provided in paragraph [(7)] (6) of this subsection, an individual appointed in accordance with paragraph (1)(ii) of this subsection shall submit to a criminal history records check in accordance with § 9–302.1 of this title.

[(6)] (5) The Board may deny approval of an appointment under paragraph (2) of this subsection based on the results of a criminal history records check required under paragraph [(4) or (5)] (3) OR (4) of this subsection after consideration of the factors listed in § 9–3A–05(b)(1) of this subtitle.

[(7)] (6) Paragraphs [(4) and (5)] (3) AND (4) of this subsection do not apply to an individual licensed, certified, or registered by a health occupations board who previously has completed a criminal history records check required for licensure, certification, or registration.

9–3A–02.

(a) To qualify for a license, an applicant must:

- (1) Be an individual who meets the requirements of this section;
- (2) Be of good moral character;

- (3) Be at least 21 years old;
- (4) Meet the education requirements under COMAR 10.07.14; and
- (5)
 - (i) Complete an assisted living manager training course required under § 19–1807 of the Health – General Article and under COMAR 10.07.14, including the successful passing of the course examination; or
 - (ii) Be exempt from the training course requirement under § 19–1807(d) of the Health – General Article.
- (b) Individuals who have been employed in the State as an assisted living manager and have worked at an assisted living program that is licensed for five or more beds as of [September 30, 2022] **JUNE 30, 2024**, are deemed to have satisfied the requirements of this section.

9–401.

- (a) Except as otherwise provided in this title, an individual may not:
 - (3) Practice, attempt to practice, or offer to practice as an assisted living manager in this State unless licensed by the Board; or
- (b)
 - (3) If the Board finds a violation of subsection (a)(3) of this section on or before [September 30, 2025] **JUNE 30, 2027**, the Board shall provide the individual with written notice and a 60–day period to comply with the licensure requirement before imposing the fine.

Chapter 689 of the Acts of 2022

[SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial assisted living manager members appointed to the State Board of Long–Term Care Administrators under § 9–202(a)(2)(iii) of the Health Occupations Article, as enacted by Section 2 of this Act, shall expire as follows:

- (1) two members in 2025;
- (2) two members in 2026; and
- (3) one member in 2027.]

[SECTION 5. AND BE IT FURTHER ENACTED, That an assisted living manager employed by an assisted living program that is licensed for four or fewer beds shall comply with § 19–1807 of the Health – General Article, as enacted by Section 2 of this Act, on or before September 30, 2024, and may not be found in violation of § 19–1807 of the Health – General Article, as enacted by Section 2 of this Act, before October 1, 2024.]

Chapter 690 of the Acts of 2022

[SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial assisted living manager members appointed to the State Board of Long-Term Care Administrators under § 9–202(a)(2)(iii) of the Health Occupations Article, as enacted by Section 2 of this Act, shall expire as follows:

- (1) two members in 2025;
- (2) two members in 2026; and
- (3) one member in 2027.]

[SECTION 5. AND BE IT FURTHER ENACTED, That an assisted living manager employed by an assisted living program that is licensed for four or fewer beds shall comply with § 19–1807 of the Health – General Article, as enacted by Section 2 of this Act, on or before September 30, 2024, and may not be found in violation of § 19–1807 of the Health – General Article, as enacted by Section 2 of this Act, before October 1, 2024.]

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial assisted living manager members appointed to the State Board of Long-Term Care Administrators under § 9–202(a)(2)(iii) of the Health Occupations Article, as enacted by Chapters 689 and 690 of the Acts of 2022 and amended by Section 1 of this Act, shall expire as follows:

- (1) two members in 2026;
- (2) two members in 2027; and
- (3) one member in 2028.

SECTION 3. AND BE IT FURTHER ENACTED, That ~~on or before October 1, 2024, October 1, 2025, and October 1, 2026,~~ the State Board of Long-Term Care Administrators shall submit ~~a report~~ the following reports to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, on the implementation of licensure requirements for assisted living managers in § 19–1807 of the Health – General Article, as enacted by Section 1 of this Act, ~~including:~~

- (1) on or before October 1, 2024, a report that includes:
 - (i) dates by which the Board intends to begin receiving applications for assisted living managers and begin issuing licenses;

~~(1)~~ (ii) the status of the appointment of assisted living managers to the Board;

~~(2)~~ (iii) the number of personnel employed by the Board and the status of filling any vacant Board positions necessary to implement the assisted living manager licensure requirements;

~~(3)~~ (iv) the ability of the Board's software platform to accept applications for licensure as assisted living managers and issue the licenses, including a timeline and update on implementation of any necessary information technology system updates;

~~(4)~~ (v) the time frame for informing and steps that have been and will be taken to inform assisted living programs and assisted living managers of the licensure requirement; and

~~(5)~~ (vi) any other policies that the Board anticipates adopting to implement the licensure requirements for assisted living managers; and

(2) on or before October 1, 2025, and October 1, 2026, a report that updates the information reported under item (1) of this section, as necessary, including an explanation for any change in dates or time frames.

SECTION 4. AND BE IT FURTHER ENACTED, That an assisted living manager employed by an assisted living program that is licensed for four or fewer beds shall comply with § 19–1807 of the Health – General Article, as enacted by Section 1 of this Act, on or before June 30, 2026, and may not be found in violation of § 19–1807 of the Health – General Article, as enacted by Section 1 of this Act, before July 1, 2026.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.

Approved by the Governor, May 16, 2024.