SENATE BILL 545

Unofficial Copy 1996 Regular Session
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By: Senator Hollinger (Governor's Task Force on Assisted Living) and SenatorsCollins, Lawlah, Teitelbaum, Green, Forehand, Dorman, Roesser, Kelley, Hoffman, Hafer, Stone, Boozer, Middleton, and Astle
Introduced and read first time: February 2, 1996
Assigned to: Finance

A BILL ENTITLED

AN ACT concerning

Assisted Living Programs

FOR the purpose of requiring the Department of Health and Mental Hygiene to serve as a point of entry for persons desiring information on assisted livingprograms; requiring the Department to provide certain information about assisted living to certain persons; specifying the requirements of the Department underthis Act as related to assisted living; requiring the Department to adopt certain regulations with the approval of the Office on Aging and the Department of HumanResources; altering a certain definition and certain provisions of law related to the definition; specifying the responsibilities of the Director of the Office on Aging in regard to assisted living programs; allowing the Department of Human Resourcesto provide housing under a certain program in certain assisted living program facilities; repealing certain provisions of law related to domiciliary care homes and related institutions; requiring the Department to adopt certain regulations by a certain date; making certain technical corrections; providing for a delayed effective date for certain provisions of this Act; defining a certain term; and generally relating to the requirements and responsibilities of the Department of Health and Mental Hygiene and certain other State agencies in regard to assisted living programs.

BY repealing and reenacting, with amendments,
Article 41 - Governor - Executive and Administrative Departments
Section 10-601 to be under the amended subtitle "Subtitle 6. Assisted Living Programs Board"
Annotated Code of Maryland
(1993 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,
Article 70B - Office on Aging
Section 1, 4(b), 4-I(a), (e)(1), and (g), and 5(a), (b), and (d)(2)
Annotated Code of Maryland
(1995 Replacement Volume)

BY adding to

Article 70B - Office on Aging
Section 4(e)
Annotated Code of Maryland
(1995 Replacement Volume)

BY repealing and reenacting, without amendments,
Article 88A - Social Services Administration
Section 138
Annotated Code of Maryland
(1995 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 88A - Social Services Administration
Section 140 and 143
Annotated Code of Maryland
(1995 Replacement Volume)

BY repealing
Article 88A - Social Services Administration
Section 142
Annotated Code of Maryland
(1995 Replacement Volume)

BY repealing and reenacting, without amendments,
Article - Health - General
Section 19-301(a)
Annotated Code of Maryland
(1990 Replacement Volume and 1995 Supplement)

BY repealing and reenacting, with amendments,
Article - Health - General
Section 19-301(l), 19-302, and 19-307(b)
Annotated Code of Maryland
(1990 Replacement Volume and 1995 Supplement)

BY repealing
Article - Health - General
Section 19-301(n) and (o), 19-308(d), 19-324.1, and 19-324.2
Annotated Code of Maryland
(1990 Replacement Volume and 1995 Supplement)

BY adding to
Article - Health - General
Section 19-1801 through 19-1805 to be under the new subtitle "Subtitle 18. Assisted Living Programs"

Annotated Code of Maryland
(1990 Replacement Volume and 1995 Supplement)

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

Article 41 - Governor - Executive and Administrative Departments

Subtitle 6. [Domiciliary Care Facilities] ASSISTED LIVING PROGRAMS Board.

10-601.

(a) There is [a Domiciliary Care Facilities] AN ASSISTED LIVING PROGRAMS Board established to:

(1) Develop statewide policy on [domiciliary care facilities] ASSISTED LIVING PROGRAMS;

(2) Coordinate agency responsibility for implementation of policies and programs related to [domiciliary care] ASSISTED LIVING;

(3) Review and approve policies and regulations governing [domiciliary care facilities and related programs] ASSISTED LIVING PROGRAMS; and

(4) Establish appropriate interagency agreements relative to [domiciliary care] ASSISTED LIVING PROGRAMS.

(b) The Board consists of 8 voting members as follows:

(1) The Secretary of Health and Mental Hygiene;

(2) The Secretary of Human Resources;

(3) The Director of the Office on Aging;

(4) 1 representative of the Disability Law Center appointed by the Governor;

(5) 1 [domiciliary care facility] ASSISTED LIVING PROGRAM provider appointed by the Governor; and

(6) 3 consumer members appointed by the Governor.

(c) (1) The Governor shall appoint a chairperson of the Board from among the 3 State agency representatives to the Board.

(2) The Governor shall appoint the provider and consumer members from the recommendations of organizations representing [domiciliary care facility] ASSISTED LIVING PROGRAM providers and consumers. However, the Governor is not restricted to these recommendations in appointing members.

(d) (1) The terms of the members who are not cabinet members, or whodo not represent the Maryland Disability Law Center or the Office on Aging, shall be 4 years beginning July 1, 1986.

(2) Each member of the Board shall serve without compensation but shall be entitled to reimbursement for expenses under Standard State Travel Regulations.

(e) The Board may establish its own procedures and voting requirements.

(f) The Departments of Health and Mental Hygiene, Human Resources, and the Office on Aging shall provide the Board with the necessary staff and support services.

Article 70B - Office on Aging

1.

(a) In this article the following words have the meanings indicated.

(b) "Area agency on aging" means the local agency designated by the Office on Aging, pursuant to the Older Americans Act of 1965, as amended, within a planning and service area to administer the delivery of a comprehensive and coordinated plan of social and other services and activities for the elderly.

(C) "CONGREGATE HOUSING SERVICES" MEANS SERVICES PROVIDED IN AN APARTMENT BUILDING THAT PROMOTE INDEPENDENT LIVING AND INCLUDE CONGREGATE MEALS, HOUSEKEEPING, AND PERSONAL SERVICES FOR:

(1) AN INDIVIDUAL AT LEAST 62 YEARS OLD WHO HAS TEMPORARY OR PERIODIC DIFFICULTY WITH ONE OR MORE ESSENTIAL ACTIVITIES OF DAILY LIVING, LIKE FEEDING, BATHING, GROOMING, DRESSING, OR TRANSFERRING; AND

(2) THE SPOUSE OF AN INDIVIDUAL DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION WHO IS AT LEAST 55 YEARS OLD AND WHO HAS TEMPORARY OR PERIODIC DIFFICULTY WITH ONE OR MORE ESSENTIAL ACTIVITIES OF DAILY LIVING, SUCH AS FEEDING, BATHING, GROOMING, DRESSING, OR TRANSFERRING.

[(c)] (D) "Interagency Committee on Aging Services" means the body designated in this article to oversee the coordination and consolidation of services for the elderly in this State.

[(d)] (E) "Planning and service area" means a subdivision or subdivisions of the State designated by the Office on Aging, pursuant to the Older Americans Act of 1965, as amended, for the planning and administration of social, health, and other services for the elderly.

[(e) "Sheltered housing for elderly" means a form of residential environment consisting of independent living assisted by congregate meals, housekeeping, and personal services, for:

(1) An individual at least 62 years old who has temporary or periodic difficulty with one or more essential activities of daily living, like feeding, bathing, grooming, dressing, or transferring; and

(2) The spouse of an individual described in paragraph (1) of this subsection who is at least 55 years old and who has temporary or periodic difficulty with one or more essential activities of daily living, such as feeding, bathing, grooming, dressing, or transferring.]

4.

(b) With respect to [the sheltered housing for elderly] CONGREGATE HOUSING SERVICES, the Director shall:

(1) Develop [sheltered housing] CONGREGATE HOUSING SERVICES PROGRAMS for the elderly, in conjunction with any public or private profit or nonprofit corporation or any State or federal agency;

(2) Make maximum use of rent and other subsidies available fromfederal and State sources and provide for subsidies necessary from State general funds to assist low income aged to reside in [sheltered housing] CONGREGATE HOUSING SERVICES PROGRAMS as an alternative to more costly, but not required, institutional care;

(3) Find sponsors or managers for [sheltered housing projects] CONGREGATE HOUSING SERVICES PROGRAMS;

(4) Assist developers in formulating design concepts and meeting program needs;

(5) When necessary, provide subsidies for congregate meals, housekeeping, and personal services for [sheltered housing] CONGREGATE HOUSING SERVICES PROGRAMS, and develop eligibility requirements in connection with thesesubsidies;

(6) Adopt regulations governing the certification and operationof [sheltered housing projects] CONGREGATE HOUSING SERVICES PROGRAMS;

(7) Be authorized to conduct federal and State criminal background investigations of providers of [sheltered housing] CONGREGATE HOUSING SERVICES PROGRAMS and their employees [when the sheltered housing provides for fewer than 16 unrelated individuals and is operated as a single-family dwelling];

(8) Adopt regulations which provide for investigations of any criminal record of a [sheltered housing] CONGREGATE HOUSING SERVICES PROGRAM provider or employee under paragraph (6) of this subsection;

(9) Certify and review the compliance of [sheltered housing projects] CONGREGATE HOUSING SERVICES PROGRAMS with the regulations established for governing the certification and operation of these [projects] PROGRAMS;

(10) As a prerequisite to certification and renewal of certification for providers of [sheltered housing for elderly] CONGREGATE HOUSING SERVICES PROGRAMS, require each provider of [sheltered housing] CONGREGATE HOUSING SERVICES for elderly INDIVIDUALS who suffer from Alzheimer's Disease and related disorders to have an in-service education program that includes instruction on dementia and the techniques necessary to manage dementia patients with regard totheir physical, intellectual, and behavioral manifestations; and

(11) Be authorized to impose a civil money penalty against a provider of [sheltered housing] CONGREGATE HOUSING SERVICES under § 4-I of this article.

(E) WITH RESPECT TO ASSISTED LIVING PROGRAMS, AS DEFINED UNDER § 19-1801 OF THE HEALTH - GENERAL ARTICLE, THE DIRECTOR SHALL:

(1) DEVELOP ASSISTED LIVING PROGRAMS FOR THE ELDERLY, IN CONJUNCTION WITH ANY PUBLIC OR PRIVATE PROFIT OR NONPROFIT CORPORATION OR ANY STATE OR FEDERAL AGENCY;

(2) MAKE MAXIMUM USE OF RENT AND OTHER SUBSIDIES AVAILABLE FROM FEDERAL AND STATE SOURCES AND PROVIDE FOR SUBSIDIES NECESSARY FROM STATE GENERAL FUNDS TO ASSIST LOW INCOME ELDERLY INDIVIDUALS TO RESIDE IN ASSISTED LIVING PROGRAMS AS AN ALTERNATIVE TO MORE COSTLY, BUT NOT REQUIRED, INSTITUTIONAL CARE;

(3) FIND SPONSORS FOR ASSISTED LIVING PROGRAMS;

(4) ASSIST DEVELOPERS IN FORMULATING DESIGN CONCEPTS AND MEETING PROGRAM NEEDS;

(5) WHEN NECESSARY AND IN ACCORDANCE WITH AVAILABLE FUNDS, PROVIDE SUBSIDIES FOR CONGREGATE MEALS, HOUSEKEEPING, AND PERSONAL SERVICES FOR ASSISTED LIVING PROGRAMS AND DEVELOP ELIGIBILITY REQUIREMENTS IN CONNECTION WITH THESE SUBSIDIES;

(6) ADOPT REGULATIONS GOVERNING ELIGIBILITY REQUIREMENTS FOR SUBSIDIES; AND

(7) REVIEW THE COMPLIANCE OF ASSISTED LIVING PROGRAMS WITH THE REGULATIONS ADOPTED BY THE SECRETARY OF HEALTH AND MENTAL HYGIENE FOR LICENSING THESE PROGRAMS TO OPERATE IN THE STATE.

4-I.

(a) [When a sheltered housing facility provides for fewer than 16 unrelated individuals and is operated as a single-family dwelling, the] THE Office may impose a civil money penalty against a provider of [the sheltered housing] CONGREGATE HOUSING SERVICES for:

(1) A violation in a [sheltered housing facility] CONGREGATE HOUSING SERVICES PROGRAM that results in conditions presenting an imminent danger or a substantial probability of death or serious physical harm to a residentof the [facility] PROGRAM;

(2) A violation of a resident's rights as specified in regulations adopted under this article; or

(3) Noncompliance with State or local fire safety regulations.

(e) (1) A provider of [a sheltered housing facility] CONGREGATE HOUSING SERVICES may request a reduction of a civil money penalty imposed by the Office.

(g) The Office may impose a penalty 3 times the amount set forth in subsection (d) of this section on a [sheltered housing] provider CONGREGATE HOUSING SERVICES if a sanction has been imposed on the provider for the same violation within 2 years prior to issuance of the notice of violation.

5.

(a) The Director on Aging shall receive, investigate, and seek to resolve complaints concerning the operations of related institution, as definedin § 19-301 of the Health - General Article, and [he] THE DIRECTOR may, on [his] DIRECTOR'S own motion, make on-site visits to determine if these institutions are in compliance with applicable laws, rules, and regulations.

(b) If the Director on Aging finds that any such related institutionis in violation of any statute, rule, or regulation of any State agency which is directly and specifically charged with the regulation of any aspect of the institution, [he or she] THE DIRECTOR shall immediately notify that agency in writing of the findings of fact. If the violation or condition is not corrected within a reasonable time, the Director shallrequest the State agency to take the steps necessary to bring the institution into compliance, and the agency shall take appropriate action.

(d) (2) The regulations shall provide for:

(i) Minimum training requirements for all program staff and volunteers;

(ii) Cooperation with the [Department] DEPARTMENTS of Health and Mental Hygiene AND HUMAN RESOURCES;

(iii) Annual review of all ombudsman activities by the State Office on Aging;

(iv) Complaint review, investigation, and resolution procedures including provisions which assure the confidentiality of complaints andthe right of privacy of any complainant or resident of a related institution;

(v) Maintenance by the local ombudsman of a recordkeeping or information system which assures the confidentiality of records or files and the right of privacy of any complainant or resident of a related institution; and

(vi) Access, review, and copying of medical records to theextent authorized by § 4-305(b)(3) of the Health - General Article when the local ombudsman is the person in interest or as otherwise provided by law.

Article 88A - Social Services Administration

138.

(a) In this subtitle the following words have the meanings indicated.

(b) "Care program" means the Certified Adult Residential EnvironmentProgram.

(c) (1) "Disabled individual" means an adult who requires a supportive housing arrangement in order to reside in the community because of a physical, medical, or mental disability.

(2) "Disabled individual" does not include an adult whose disability is of such a severity or complexity as to require specialized professional intervention as part of the supportive housing arrangement.

(d) "Supportive housing arrangement" means a housing arrangement that provides an individual with room, board, and assistance with the activities of daily living.

140.

(a) The Department of Human Resources shall administer a care program in this State that provides housing and related services [programs] for adults who, because of disability, require a supportive housing arrangement to reside in the community.

(b) In accordance with the State budget, the care program shall:

(1) Provide for the development[, certification, and monitoring] of care housing;

(2) Provide for case management to disabled individuals residing in care housing; and

(3) Arrange for the provision of supportive services to disabled individuals residing in care housing.

(C) THE DEPARTMENT OF HUMAN RESOURCES MAY ONLY PROVIDE HOUSING UNDER THE CARE PROGRAM IN ASSISTED LIVING PROGRAM FACILITIES LICENSED TO OPERATE UNDER § 19-1801 OF THE HEALTH - GENERAL ARTICLE.

[(c)] (D) The Department of Human Resources, the Department of Education, the Department of Health and Mental Hygiene, and the Office on Aging shall provide appropriate ancillary services to disabled individuals in the care program in keeping with programmatic eligibility and priority criteria and budgetary resources.

[(d)] (E) The Secretary of Human Resources, the Secretary of Health and Mental Hygiene, the State Superintendent of Schools, and the Director of the Office on Aging shall:

(1) Coordinate departmental programs to assure that the services needed by disabled adults residing in care housing are provided in an integrated AND cost-effective manner; and

(2) Prepare a written memorandum of agreement which will specify what services are to be provided by each departmental program, how the delivery of these services shall be integrated, and the timing of the delivery of the services.

[142.

(a) There shall be an advisory board of the care program.

(b) The advisory board of the care program consists of designees appointed by the Secretary of Human Resources, the Secretary of Health and Mental Hygiene, the State Superintendent of Schools, and the Director of the Office on Aging, respectively, and the following 3 members appointed by the Governor:

(1) 1 member of the Maryland Senate;

(2) 1 member of the House of Delegates; and

(3) 1 public member.]

143.

The Department of Human Resources may adopt [rules and] regulations for the operation of the care program.

Article - Health - General

19-301.

(a) In this subtitle the following words have the meanings indicated.

(l) (1) "Related institution" means an organized institution, environment, or home that:

(i) Maintains conditions or facilities and equipment to provide domiciliary, personal, or nursing care for 2 or more unrelated individuals who are dependent on the administrator, operator, or proprietor for nursing care or the subsistence of daily living in a safe, sanitary, and healthful environment; and

(ii) Admits or retains the individuals for overnight care.

(2) "Related institution" does not include[:

(i) An adult residential environment or home that is certified by the Department of Human Resources;

(ii) A] A nursing facility or visiting nurse service that is conducted only by or for adherents of a bona fide church or religious organization, in accordance with tenets and practices that include reliance on treatment by spiritual means alone for healing [; or

(iii) Any sheltered housing for the elderly, as defined inArticle 70B, § 1 of the Code, that is certified by the Office on Aging, unless the housing provides for more than 15 individuals:

1. In one building that does not have more than one apartment unit; or

2. If there are apartment units in the building, in one apartment unit].

[(n) "Domiciliary care home" means any home that:

(1) Provides only domiciliary care to 2 or more unrelated individuals; and

(2) Is owned or operated to provide domiciliary care for compensation.]

[(o) A "registration permit" means the authorization issued by the Department of Health and Mental Hygiene to provide domiciliary care to 2, 3, or 4 unrelated individuals.]

19-302.

(a) [(1) This subtitle does not apply to a home that offers only domiciliary care unless:

(i) The home cares for 5 or more unrelated individuals; or

(ii) The home is required to obtain a registration permit under § 19-324.1 of this subtitle.

(2) A domiciliary care home that is required to obtain a registration permit under § 19-324.1 shall comply with §§ 19-324.1, 19-324.2, and 19-358 and is exempt from the other provisions of this subtitle.

(b)] This subtitle does not apply to a dispensary or first aid treatment facility that is maintained only to provide services for:

(1) Employees of a commercial or industrial plant;

(2) Employees or students of an educational institution; or

(3) Individuals in a convent, county home, motel, hotel, apartment, or facility, if the individuals are able to live independently.

[(c)] (B) This subtitle applies to the provision of home health careservices by a hospital or related institution to 2 or more unrelated individuals, whether the services are provided directly or under contract with a home health agency.

19-307.

(b) A related institution shall be classified:

(1) As a care home if the related institution provides care to individuals who, because of advanced age or physical or mental disability, require domiciliary care or personal care in a protective[, institutional] environment; or

(2) As a nursing home if the related institution:

(i) Provides nursing care for chronically ill or convalescent patients; or

(ii) Offers to provide 24-hour a day nursing care of patients in a home-type facility such as:

1. A convalescent home;

2. A nursing unit of a home for the aged;

3. A psychiatric nursing home;

4. A nursing facility for the handicapped;

5. A home for alcoholics; or

6. A halfway house.

19-308.

[(d) A domiciliary care home that provides domiciliary care to 2, 3,or 4 unrelated individuals is not subject to the provisions of this section.]

[19-324.1.

(a) Except for a home, related institution, or facility licensed under this subtitle or otherwise licensed, certified, or approved by the Department, a domiciliary care home or related institution that provides domiciliary care for 2, 3, or 4 unrelated individuals shall obtain a registration permit from the Department or the agency designated by the Department before a public agency or any organization that receives public funds may refer any individual to the home or related institution.

(b) Unless a home or related institution registers as required underthis section, a public agency or a private organization that receives public funds may not refer individuals to the home or related institution.

(c) A home or related institution that registers under this section shall:

(1) Provide the required information to the Department on the designated form at least once during each 12-month period; and

(2) At the request of the Department, consent to any reasonableinspection of the premises and examination of records.

(d) The Secretary shall adopt rules and regulations to carry out theprovisions of this section.

(e) The Secretary may deny or revoke a registration permit if the applicant or registrant does not meet the requirements of this section, § 19-324.2 of this subtitle, or any rule or regulation that the Secretary may establish under this section.]

[19-324.2.

(a) The Department shall adopt regulations establishing an appropriate level of nursing care that may be provided in registered or licensed domiciliarycare homes.

(b) For domiciliary care homes that care for 2, 3, or 4 unrelated individuals, the Department may adopt regulations that establish standards that are consistent with the provisions of subsection (c) of this section.

(c) Domiciliary care homes that care for 2, 3, or 4 unrelated individuals shall:

(1) Maintain a sanitary environment, free of physical, mental, or financial abuse as defined in § 19-347 of this subtitle, which provides for the safe and humane treatment of residents; and

(2) Be equipped with adequate smoke detectors and a fire extinguisher.]

SUBTITLE 18. ASSISTED LIVING PROGRAMS.

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 § 19-301 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; OR

(VI) SERVICES PROVIDED IN AN INDIVIDUAL'S OWN HOME.

19-1802.

THE DEPARTMENT SHALL BE THE LEAD AGENCY FOR SUPERVISING AND MONITORING A STATEWIDE INTERAGENCY SYSTEM FOR REGULATING THE ESTABLISHMENT AND OPERATION OF ASSISTED LIVING PROGRAMS.

19-1803.

(A) THE DEPARTMENT SHALL ENCOURAGE, BUT MAY NOT REQUIRE, PROVIDERS OF ASSISTED LIVING PROGRAM SERVICES TO OFFER A CONTINUUM OF CARE.

(B) PROVIDERS OF ASSISTED LIVING PROGRAM SERVICES MAY PROVIDE SERVICES AT A VARIETY OF LEVELS AND IN A VARIETY OF SETTINGS.

19-1804.

THE DEPARTMENT SHALL:

(1) SERVE AS THE POINT OF ENTRY FOR PERSONS DESIRING INFORMATION ON ASSISTED LIVING PROGRAMS;

(2) PROVIDE THE OFFICE ON AGING AND OTHER STATE AGENCIES THAT ROUTINELY RECEIVE INQUIRIES FROM THE PUBLIC ABOUT ASSISTED LIVING WITH INFORMATION THAT WILL ENABLE THE AGENCIES TO RESPOND TO THE INQUIRIES ACCURATELY AND EFFECTIVELY; AND

(3) DELEGATE VARIOUS ASPECTS OF ITS RESPONSIBILITIES UNDER THIS SUBTITLE TO MONITOR AND INSPECT ASSISTED LIVING PROGRAMS AND FACILITIES TO THE OFFICE ON AGING AND THE DEPARTMENT OF HUMAN RESOURCES, IN ACCORDANCE WITH AN INTERAGENCY AGREEMENT, FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THE REGULATIONS ADOPTED BY THE DEPARTMENT UNDER THIS SUBTITLE.

19-1805.

(A) THE DEPARTMENT SHALL:

(1) DEFINE DIFFERENT LEVELS OF ASSISTED LIVING ACCORDING TO THE LEVEL OF CARE PROVIDED;

(2) REQUIRE ALL ASSISTED LIVING PROGRAMS TO BE LICENSED TO OPERATE ACCORDING TO THE LEVEL OF THE PROGRAM;

(3) PROMOTE AFFORDABLE AND ACCESSIBLE ASSISTED LIVING PROGRAMS THROUGHOUT THE STATE;

(4) ESTABLISH AND ENFORCE QUALITY STANDARDS FOR ASSISTED LIVING PROGRAMS;

(5) REQUIRE PERIODIC INSPECTIONS OF ASSISTED LIVING PROGRAM FACILITIES;

(6) ESTABLISH REQUIREMENTS FOR THE QUALIFICATIONS OR TRAINING OR BOTH OF ASSISTED LIVING PROGRAM EMPLOYEES;

(7) ESTABLISH A "RESIDENT BILL OF RIGHTS" FOR RESIDENTS OF ASSISTED LIVING PROGRAM FACILITIES; AND

(8) DEFINE WHICH, IF ANY, ASSISTED LIVING PROGRAMS MAY BE EXEMPT FROM THE REQUIREMENTS OF § 19-311 OF THIS TITLE.

(B) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE WITH THE APPROVAL OF THE OFFICE ON AGING AND THE DEPARTMENT OF HUMAN RESOURCES.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 1997, the Department of Health and Mental Hygiene, with the approval ofthe Office on Aging and the Department of Human Resources, shall adopt regulations for the operation and licensing of assisted living programs according to the level of services provided by the program.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take effect October 1, 1997.

SECTION 4. AND BE IT FURTHER ENACTED, That, except for Section 1 of this Act, this Act shall take effect October 1, 1996.