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**By: Senator Hollinger (Governor's Task Force on Assisted Living) and Senators Collins, 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

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 1996

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Assisted Living Programs**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to serve as  
4 a point of entry for persons desiring information on assisted living programs;  
5 requiring the Department to provide certain information about assisted living to  
6 certain persons; specifying the requirements of the Department under this Act as  
7 related to assisted living; requiring the Department to adopt certain regulations in  
8 consultation with certain persons and with the approval of the Office on Aging and  
9 the Department of Human Resources; specifying certain provisions of those  
10 regulations; altering a certain definition and certain provisions of law related to the  
11 definition; altering the name and composition of a certain Board; specifying the  
12 responsibilities of the Director of the Office on Aging in regard to assisted living  
13 programs; allowing the Department of Human Resources to provide housing under  
14 a certain program in certain assisted living program facilities; repealing certain  
15 provisions of law related to domiciliary care homes and related institutions;  
16 requiring the Department to adopt certain regulations by a certain date; making  
17 certain technical corrections; providing for a delayed effective date for certain  
18 provisions of this Act; defining a certain term; and generally relating to the  
19 requirements and responsibilities of the Department of Health and Mental Hygiene  
20 and certain other State agencies in regard to assisted living programs.

21 BY repealing and reenacting, with amendments,

22 Article 41 - Governor - Executive and Administrative Departments

23 Section 10-601 to be under the amended subtitle "Subtitle 6. Assisted Living

24 Programs Board"

25 Annotated Code of Maryland

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1 (1993 Replacement Volume and 1995 Supplement)

2 BY repealing and reenacting, with amendments,

3 Article 70B - Office on Aging

4 Section 1, 4(b), 4-I(a), (e)(1), and (g), and 5(a), (b), and (d)(2)

5 Annotated Code of Maryland

6 (1995 Replacement Volume)

7 BY adding to

8 Article 70B - Office on Aging

9 Section 4(e)

10 Annotated Code of Maryland

11 (1995 Replacement Volume)

12 BY repealing and reenacting, without amendments,

13 Article 88A - Social Services Administration

14 Section 138

15 Annotated Code of Maryland

16 (1995 Replacement Volume)

17 BY repealing and reenacting, with amendments,

18 Article 88A - Social Services Administration

19 Section 140 and 143

20 Annotated Code of Maryland

21 (1995 Replacement Volume)

22 BY repealing

23 Article 88A - Social Services Administration

24 Section 142

25 Annotated Code of Maryland

26 (1995 Replacement Volume)

27 BY repealing and reenacting, without amendments,

28 Article - Health - General

29 Section 19-301(a)

30 Annotated Code of Maryland

31 (1990 Replacement Volume and 1995 Supplement)

32 BY repealing and reenacting, with amendments,

33 Article - Health - General

34 Section 19-301(l), 19-302, and 19-307(b)

35 Annotated Code of Maryland

36 (1990 Replacement Volume and 1995 Supplement)

37 BY repealing

3

1 Article - Health - General  
2 Section 19-301(n) and (o), 19-308(d), 19-324.1, and 19-324.2  
3 Annotated Code of Maryland  
4 (1990 Replacement Volume and 1995 Supplement)

5 BY adding to

6 Article - Health - General  
7 Section 19-1801 through 19-1805 to be under the new subtitle "Subtitle 18. Assisted  
8 Living Programs"  
9 Annotated Code of Maryland  
10 (1990 Replacement Volume and 1995 Supplement)

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

13 **Article 41 - Governor - Executive and Administrative Departments**

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

15 10-601.

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

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

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

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

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

26 (b) The Board consists of 8 15 voting members as follows:

27 (1) The Secretary of Health and Mental Hygiene;

28 (2) The Secretary of Human Resources;

29 (3) The Director of the Office on Aging; AND

30 (4) THE FOLLOWING VOTING MEMBERS APPOINTED BY THE GOVERNOR  
31 WITH THE ADVICE AND CONSENT OF THE SENATE:

32 (1) 1 representative of the Disability Law Center appointed by the  
33 Governor;

34 (5) 1 [domiciliary care facility] ASSISTED LIVING PROGRAM provider  
35 appointed by the Governor; and

4

1 ~~(6) 3 consumer members appointed by the Governor.~~

2 (II) 1 REPRESENTATIVE OF A SMALL PROGRAM WHICH WAS  
3 CERTIFIED AS A SHELTERED HOUSING PROJECT BY THE OFFICE ON AGING AS OF  
4 DECEMBER 31, 1995 OR COULD HAVE BEEN CERTIFIED AS A SHELTERED HOUSING  
5 PROJECT BY THE OFFICE ON AGING IF IT HAD BEEN IN EXISTENCE ON DECEMBER 31,  
6 1995;

7 (III) 1 REPRESENTATIVE OF A SMALL PROGRAM WHICH WAS  
8 CERTIFIED AS A CARE PROGRAM BY THE DEPARTMENT OF HUMAN RESOURCES AS  
9 OF DECEMBER 31, 1995 OR COULD HAVE BEEN CERTIFIED AS A CARE PROGRAM BY  
10 THE DEPARTMENT OF HUMAN RESOURCES IF IT HAD BEEN IN EXISTENCE ON  
11 DECEMBER 31, 1995;

12 (IV) 1 REPRESENTATIVE OF A SMALL PROGRAM WHICH WAS  
13 LICENSED OR REGISTERED AS A DOMICILIARY CARE PROGRAM BY THE  
14 DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS OF DECEMBER 31, 1995 OR  
15 COULD HAVE BEEN LICENSED OR REGISTERED AS A DOMICILIARY CARE PROGRAM  
16 BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IF IT HAD BEEN IN  
17 EXISTENCE ON DECEMBER 31, 1995;

18 (V) 4 CONSUMER MEMBERS;

19 (VI) 1 REPRESENTATIVE OF THE ASSISTED LIVING FACILITIES  
20 ASSOCIATION OF AMERICA;

21 (VII) 1 REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF  
22 NONPROFIT HOMES FOR THE AGING;

23 (VIII) 1 REPRESENTATIVE OF THE HEALTH FACILITIES ASSOCIATION  
24 OF MARYLAND; AND

25 (IX) 1 REPRESENTATIVE OF THE LONG-TERM CARE ASSOCIATION.

26 (c) (1) The Governor shall appoint a chairperson of the Board from among the  
27 3 State agency representatives to the Board.

28 (2) The Governor shall appoint the provider and consumer members from  
29 the recommendations of organizations representing [domiciliary care facility] ASSISTED  
30 LIVING PROGRAM providers and consumers. However, the Governor is not restricted to  
31 these recommendations in appointing members. THE PROVIDER AND CONSUMER  
32 MEMBERS SHALL REPRESENT A BROAD GEOGRAPHIC CROSS SECTION OF THE  
33 STATE.

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

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

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

5

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

3 **Article 70B - Office on Aging**

4 1.

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

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

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

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

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

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

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

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

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

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

37 4.

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

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

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

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

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

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

15 (6) Adopt regulations governing the certification and operation of  
16 [sheltered housing projects] CONGREGATE HOUSING SERVICES PROGRAMS;

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

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

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

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

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

36 (E) WITH RESPECT TO ASSISTED LIVING PROGRAMS, AS DEFINED UNDER §  
37 19-1801 OF THE HEALTH - GENERAL ARTICLE, THE DIRECTOR SHALL:

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

7

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

6 (3) FIND SPONSORS FOR ASSISTED LIVING PROGRAMS;

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

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

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

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

18 4-I.

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

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

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

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

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

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

36 5.

37 (a) The Director on Aging shall receive, investigate, and seek to resolve  
38 complaints concerning the operations of related institutions, as defined in § 19-301 of the  
39 Health - General Article, and [he] THE DIRECTOR may, on [his] THE DIRECTOR'S

8

1 own motion, make on-site visits to determine if these institutions are in compliance with  
2 applicable laws, rules, and regulations.

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

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

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

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

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

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

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

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

26 **Article 88A - Social Services Administration**

27 138.

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

29 (b) "Care program" means the Certified Adult Residential Environment Program.

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

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

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

9

1 140.

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

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

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

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

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

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

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

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

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

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

28 [142.

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

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

34 (1) 1 member of the Maryland Senate;

35 (2) 1 member of the House of Delegates; and

36 (3) 1 public member.]

10

1 143.

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

4 **Article - Health - General**

5 19-301.

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

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

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

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

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

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

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

21 (iii) Any sheltered housing for the elderly, as defined in Article 70B, §  
22 1 of the Code, that is certified by the Office on Aging, unless the housing provides for  
23 more than 15 individuals:

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

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

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

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

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

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

34 19-302.

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

11

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

2 (ii) The home is required to obtain a registration permit under §  
3 19-324.1 of this subtitle.

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

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

9 (1) Employees of a commercial or industrial plant;

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

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

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

16 19-307.

17 (b) A related institution shall be classified:

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

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

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

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

25 1. A convalescent home;

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

27 3. A psychiatric nursing home;

28 4. A nursing facility for the handicapped;

29 5. A home for alcoholics; or

30 6. A halfway house.

31 19-308.

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

12

1 [19-324.1.

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

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

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

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

14 (2) At the request of the Department, consent to any reasonable inspection  
15 of the premises and examination of records.

16 (d) The Secretary shall adopt rules and regulations to carry out the provisions of  
17 this section.

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

21 [19-324.2.

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

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

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

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

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

32 SUBTITLE 18. ASSISTED LIVING PROGRAMS.

33 19-1801.

34 IN THIS SUBTITLE:

35 (1) "ASSISTED LIVING PROGRAM" MEANS A RESIDENTIAL OR  
36 FACILITY-BASED PROGRAM THAT PROVIDES HOUSING AND SUPPORTIVE SERVICES,  
37 SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-RELATED SERVICES, OR A

13

1 COMBINATION THEREOF THAT MEETS THE NEEDS OF INDIVIDUALS WHO ARE  
2 UNABLE TO PERFORM OR WHO NEED ASSISTANCE IN PERFORMING THE ACTIVITIES  
3 OF DAILY LIVING OR INSTRUMENTAL ACTIVITIES OF DAILY LIVING IN A WAY THAT  
4 PROMOTES OPTIMUM DIGNITY AND INDEPENDENCE FOR THE INDIVIDUALS.

5 (2) "ASSISTED LIVING PROGRAM" DOES NOT INCLUDE:

6 (I) A NURSING HOME, AS DEFINED UNDER § 19-301 OF THIS TITLE;

7 (II) A STATE FACILITY, AS DEFINED UNDER § 10-101 OF THIS  
8 ARTICLE;

9 (III) A PROGRAM LICENSED BY THE DEPARTMENT UNDER TITLE 7  
10 OR TITLE 10 OF THIS ARTICLE;

11 (IV) A HOSPICE CARE PROGRAM REGULATED BY THE  
12 DEPARTMENT UNDER SUBTITLE 9 OF THIS TITLE;

13 (V) SERVICES PROVIDED BY FAMILY MEMBERS; OR

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

15 19-1802.

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

19 19-1803.

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

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

25 19-1804.

26 THE DEPARTMENT SHALL:

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

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

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

14

1 19-1805.

2 (A) THE DEPARTMENT SHALL:

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

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

7 (3) DEVELOP A WAIVER PROCESS FOR AUTHORIZING AN ASSISTED  
8 LIVING PROGRAM TO CONTINUE TO CARE FOR AN INDIVIDUAL WHOSE MEDICAL OR  
9 FUNCTIONAL CONDITION HAS CHANGED SINCE ADMISSION TO THE PROGRAM TO  
10 AN EXTENT THAT THE LEVEL OF CARE REQUIRED BY THE INDIVIDUAL EXCEEDS  
11 THE LEVEL OF CARE FOR WHICH THE PROGRAM IS LICENSED;

12 ~~(3)~~ (4) PROMOTE AFFORDABLE AND ACCESSIBLE ASSISTED LIVING  
13 PROGRAMS THROUGHOUT THE STATE;

14 ~~(4)~~ (5) ESTABLISH AND ENFORCE QUALITY STANDARDS FOR  
15 ASSISTED LIVING PROGRAMS;

16 ~~(5)~~ (6) REQUIRE PERIODIC INSPECTIONS OF ASSISTED LIVING  
17 PROGRAM FACILITIES;

18 ~~(6)~~ (7) ESTABLISH REQUIREMENTS FOR THE QUALIFICATIONS OR  
19 TRAINING OR BOTH OF ASSISTED LIVING PROGRAM EMPLOYEES;

20 ~~(7)~~ (8) ESTABLISH A "RESIDENT BILL OF RIGHTS" FOR RESIDENTS OF  
21 ASSISTED LIVING PROGRAM FACILITIES; AND

22 ~~(8)~~ (9) DEFINE WHICH, IF ANY, ASSISTED LIVING PROGRAMS MAY BE  
23 EXEMPT FROM THE REQUIREMENTS OF § 19-311 OF THIS TITLE.

24 (B) (1) THE DEPARTMENT, IN CONSULTATION WITH REPRESENTATIVES OF  
25 THE AFFECTED INDUSTRY AND ADVOCATES FOR RESIDENTS OF THE FACILITIES  
26 AND WITH THE APPROVAL OF THE OFFICE ON AGING AND THE DEPARTMENT OF  
27 HUMAN RESOURCES, SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SUBTITLE  
28 WITH THE APPROVAL OF THE OFFICE ON AGING AND THE DEPARTMENT OF HUMAN  
29 RESOURCES.

30 (2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS  
31 SUBSECTION SHALL:

32 (I) PROVIDE FOR THE LICENSING OF ASSISTED LIVING PROGRAMS  
33 AND THE RENEWAL OF LICENSES;

34 (II) REQUIRE THE SECRETARY TO CHARGE FEES IN A MANNER  
35 THAT WILL PRODUCE FUNDS NOT TO EXCEED THE ACTUAL DIRECT AND INDIRECT  
36 COSTS TO THE DEPARTMENT FOR INSPECTING ASSISTED LIVING PROGRAM  
37 FACILITIES AND MAINTAINING THE LICENSURE PROGRAM FOR ASSISTED LIVING  
38 PROGRAMS UNDER THIS SUBTITLE; AND

1                   (III) REQUIRE THE DEPARTMENT, DURING A SURVEY OR OTHER  
2 INSPECTION OF AN ASSISTED LIVING PROGRAM, TO REVIEW THE NUMBER OF  
3 WAIVERS GRANTED TO THE PROGRAM UNDER SUBSECTION (A)(3) OF THIS SECTION  
4 AND DETERMINE WHETHER A CHANGE IN THE PROGRAM'S LICENSURE STATUS IS  
5 WARRANTED.

6           SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,  
7 1997, the Department of Health and Mental Hygiene, with the approval of the Office on  
8 Aging and the Department of Human Resources, shall adopt regulations, in consultation  
9 with representatives of the affected industry and advocates for residents of the facilities,  
10 for the operation and licensing of assisted living programs according to the level of  
11 services provided by the program. The regulations shall require the Secretary of Health  
12 and Mental Hygiene to charge fees in a manner that will produce funds not to exceed the  
13 actual direct and indirect costs to the Department of Health and Mental Hygiene of  
14 inspecting assisted living program facilities and licensing assisted living programs.

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

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