

Chapter 689

(House Bill 1034)

AN ACT concerning

**State Board of Examiners of Nursing Home Administrators – Renaming ~~and~~,
Licensure of Assisted Living Managers, and Penalties**

FOR the purpose of renaming the State Board of Examiners of Nursing Home Administrators to be the State Board of Long–Term Care Administrators and establishing a licensing and regulatory system for assisted living managers under the Board; requiring the Office of Health Care Quality, beginning on a certain date, to notify the Board of the appointment of an assisted living program as a resident’s representative payee; establishing a civil penalty for taking certain actions related to practicing as a nursing home administrator or an assisted living manager without a license; and generally relating to ~~the licensing of assisted living managers and~~ the State Board of Long–Term Care Administrators.

BY renumbering

Article – Health Occupations
Section 9–317
to be Section 9–208
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Commercial Law
Section 13–4B–01(c)
Annotated Code of Maryland
(2013 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General
Section 19–1807
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Health Occupations
Section 9–101; 9–201 and 9–202 to be under the amended subtitle “Subtitle 2. State Board of Long–Term Care Administrators”; ~~9–315 to be under the amended subtitle “Subtitle 3. Nursing Home Administrators”;~~ and 9–401 through 9–403 and 9–501 to be under the amended title “Title 9. Nursing Home Administrators and Assisted Living Managers”
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,

Article – Health Occupations
 Section 9–208
 Annotated Code of Maryland
 (2021 Replacement Volume)
 (As enacted by Section 1 of this Act)

BY adding to

Article – Health Occupations
 Section 9–209; 9–3A–01 through 9–3A–18 to be under the new subtitle “Subtitle 3A.
 Assisted Living Managers”; and 9–405
 Annotated Code of Maryland
 (2021 Replacement Volume)

BY repealing and reenacting, without amendments.

Article – Health Occupations
Section 9–315 to be under the amended subtitle “Subtitle 3. Nursing Home
Administrators”
Annotated Code of Maryland
(2021 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 9–317 of Article – Health Occupations of the Annotated Code of Maryland be renumbered to be Section(s) 9–208.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Commercial Law

13–4B–01.

(c) The Office of Health Care Quality shall notify the Division AND, BEGINNING OCTOBER 1, 2024, THE STATE BOARD OF LONG–TERM CARE ADMINISTRATORS 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

19–1807.

(a) (1) Except as provided in subsection (d) of this section, [by January 1, 2006,] an assisted living manager who is employed by an assisted living program [that is licensed for 5 or more beds] 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;

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

(iii) Authorize a maximum of 25 hours of training through Internet courses, correspondence courses, tapes, or other training methods that do not require direct interaction between faculty and participants.

(b) An assisted living manager employed [in] BY a program [that is licensed for 5 or more beds] 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) [Except as provided in paragraph (3) of this subsection, is] IS temporarily serving as an assisted living manager[, for no longer than 45 days.] 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.

[(3) An assisted living program may request an extension from the Department to allow an individual to serve as an assisted living manager for longer than 45 days if the assisted living program has shown good cause for the extension.]

(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

Title 9. Nursing Home Administrators AND ASSISTED LIVING MANAGERS.

9–101.

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

(B) “ASSISTED LIVING MANAGER” MEANS AN INDIVIDUAL WHO OVERSEES AND IS RESPONSIBLE FOR THE DAY–TO–DAY OPERATION OF AN ASSISTED LIVING PROGRAM.

(C) “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.

[(b)] (D) “Board” means the State Board of [Examiners of Nursing Home] LONG–TERM CARE Administrators.

(E) “FAMILY MEMBER” MEANS:

- (1) A SPOUSE;**
- (2) A CHILD;**
- (3) A SIBLING;**
- (4) A PARENT;**
- (5) A GRANDPARENT;**
- (6) A NIECE OR NEPHEW; OR**
- (7) AN UNCLE OR AUNT.**

[(c)] (F) “License” means, unless the context requires otherwise[, a]:

(1) A license issued by the Board to practice as a nursing home administrator **UNDER SUBTITLE 3 OF THIS TITLE; OR**

(2) A LICENSE ISSUED BY THE BOARD TO PRACTICE AS AN ASSISTED LIVING MANAGER UNDER SUBTITLE 3A OF THIS TITLE.

(G) “LICENSED ASSISTED LIVING MANAGER” MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO PRACTICE AS AN ASSISTED LIVING MANAGER.

[(d)] (H) “Licensed nursing home administrator” means, unless the context requires otherwise, an individual who is licensed by the Board to practice as a nursing home administrator.

[(e)] (I) “Nursing home” means an institution or part of an institution that:

(1) Is a “skilled nursing facility” or an “intermediate care facility” as those terms are defined by federal law and participates in a program under Title XVIII or Title XIX of the Social Security Act; or

(2) If it is licensed only by this State, otherwise meets the federal requirements for a “skilled nursing facility” or an “intermediate care facility” as those terms are defined by federal law.

[(f)] (J) “Nursing home administrator” means an individual who administers, manages, or is in general administrative charge of a nursing home whether or not the individual:

- (1) Has an ownership interest in the nursing home; or
- (2) Shares duties and functions with other individuals.

Subtitle 2. State Board of **[Examiners of Nursing Home] LONG-TERM CARE**
Administrators.

9–201.

There is a State Board of **[Examiners of Nursing Home] LONG-TERM CARE** Administrators in the Department.

9–202.

- (a) (1) The Board consists of **[14] 17** members.
- (2) Of the **[14]** Board members:

(i) ~~Six~~ **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, ~~THREE~~ FIVE SHALL BE ASSISTED LIVING MANAGERS INDIVIDUALS WHO HAVE:

A. COMPLETED THE MANAGER TRAINING COURSE REQUIRED UNDER ~~§ 19-1807~~ § 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. ACTIVELY ~~PRACTICED FOR~~ EMPLOYED BY AN ASSISTED LIVING PROGRAM; AND

2. ON OR AFTER OCTOBER 1, 2024, ~~THREE~~ FIVE SHALL BE LICENSED ASSISTED LIVING MANAGERS;

[(iii)] (IV) One shall be a physician or a nurse practitioner who specializes in geriatrics;

[(iv)] (V) One shall be a geriatric social worker;

[(v)] (VI) One shall be the State Long-Term Care Ombudsman designated under § 10-903 of the Human Services Article; and

[(vi)] (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.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members and the State Long-Term Care Ombudsman, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall recommend a professional who:

1. Is actively practicing;
2. Has a minimum of 5 years of appropriate practice experience in the discipline of the vacancy to be filled; and
3. Otherwise meets the requirements of this section.

(c) Each Board member shall:

(1) Be a United States citizen or have declared an intent to become a United States citizen; and

(2) Have resided in this State for at least 1 year before appointment to the Board.

(d) (1) Each consumer member of the Board:

(i) Shall be a member of the general public;

(ii) May not be or ever have been a nursing home administrator **OR AN ASSISTED LIVING MANAGER** or in training to become a nursing home administrator **OR AN ASSISTED LIVING MANAGER**;

(iii) May not have a household member who is a nursing home administrator **OR AN ASSISTED LIVING MANAGER** or in training to become a nursing home administrator **OR AN ASSISTED LIVING MANAGER**;

(iv) May not participate or ever have participated in a commercial or professional field related to the practice of a nursing home administrator **OR ASSISTED LIVING MANAGER**;

(v) May not have a household member who participates in a commercial or professional field related to the practice of a nursing home administrator **OR AN ASSISTED LIVING MANAGER**; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) **OF THE CONSUMER MEMBERS:**

(I) One [consumer member] shall have presently or have had **WITHIN THE 5 YEARS IMMEDIATELY PRECEDING INITIAL APPOINTMENT** a family member living in a nursing home; **AND**

(II) ONE SHALL HAVE PRESENTLY OR HAVE HAD WITHIN THE 5 YEARS IMMEDIATELY PRECEDING INITIAL APPOINTMENT A FAMILY MEMBER WHO RECEIVES SERVICES LIVING IN AN ASSISTED LIVING PROGRAM.

(e) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(g) (1) This subsection does not apply to the State Long-Term Care Ombudsman.

(2) The term of a member is 4 years.

(3) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(6) A member may not serve more than 2 consecutive full terms.

(7) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

9-208.

(a) In this section, [“nursing home administrator rehabilitation] **“REHABILITATION committee”** means a committee [that:

- (1) Is defined in subsection (b) of this section; and
- (2) Performs any of the functions listed in subsection (d) of this section.

(b) For purposes of this section, a nursing home administrator rehabilitation committee is a committee] of the Board or a committee of any association representing nursing home administrators **OR ASSISTED LIVING MANAGERS** that:

- (1) Is recognized by the Board; [and]
- (2) Includes but is not limited to nursing home administrators **AND ASSISTED LIVING MANAGERS; AND**
- (3) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (C) OF THIS SECTION.**

[(c) **(B)** [A] **THE** rehabilitation committee [of the Board or recognized by the Board] may function:

- (1) Solely for the Board; or
- (2) Jointly with a rehabilitation committee representing another board or boards.

[(d) **(C)** For purposes of this section, [a nursing home administrator] **THE** rehabilitation committee evaluates and provides assistance to any nursing home administrator **OR ASSISTED LIVING MANAGER**, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

[(e) **(D)** (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the [nursing home administrator] rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the [nursing home administrator] rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the [nursing home administrator] rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

~~[(f)]~~ **(E)** A person who acts in good faith and within the scope of jurisdiction of ~~[a nursing home administrator]~~ **THE** rehabilitation committee is not civilly liable for any action as a member of the ~~[nursing home administrator]~~ rehabilitation committee or for giving information to, participating in, or contributing to the function of the ~~[nursing home administrator]~~ rehabilitation committee.

9-209.

THE BOARD IS A MEDICAL REVIEW COMMITTEE UNDER § 1-401 OF THIS ARTICLE.

Subtitle 3. ~~[Licensing]~~ **NURSING HOME ADMINISTRATORS.**

9-315.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 9-314 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(d) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, ~~[(nevertheless)]~~ the Board may ~~[(hear)]~~:

~~(1) HEAR~~ and determine the matter; ~~OR~~

~~(2) ISSUE A DEFAULT ORDER.~~

SUBTITLE 3A. ASSISTED LIVING MANAGERS.

9-3A-01.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING OCTOBER 1, 2024, AN INDIVIDUAL MUST BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE AS AN ASSISTED LIVING MANAGER IN THE STATE.

(B) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF~~ 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 ~~ASSISTED LIVING AUTHORITY~~ DESIGNEE SHALL IMMEDIATELY:

(I) 1. DESIGNATE A LICENSED ASSISTED LIVING MANAGER TO SERVE IN THAT CAPACITY; AND

~~(II)~~ 2. NOTIFY THE BOARD OF THE DESIGNATED LICENSED ASSISTED LIVING MANAGER'S NAME; OR

~~(2) (II) (I) 1. IN THE EVENT A LICENSED ASSISTED LIVING MANAGER IS NOT AVAILABLE, THE OWNER OR OTHER APPROPRIATE ASSISTED LIVING AUTHORITY SHALL IMMEDIATELY APPOINT~~ APPOINT AN ALTERNATE ASSISTED LIVING MANAGER OR A NONLICENSED INDIVIDUAL TO SERVE IN THE CAPACITY OF INTERIM ASSISTED LIVING MANAGER.

~~2. (2) (I) THE APPOINTED~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, 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 ~~ASSISTED LIVING AUTHORITY~~ 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. THE BOARD, IN ITS DISCRETION, MAY ISSUE A PROVISIONAL LICENSE FOR A PERIOD OF LESS THAN 90 DAYS.~~

~~4.~~ IF THE BOARD DENIES AN APPLICATION SUBMITTED IN ACCORDANCE WITH SUBPARAGRAPH ~~(I)~~ (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 ASSISTED LIVING AUTHORITY DESIGNEE SHALL IMMEDIATELY APPOINT ANOTHER NONLICENSED INDIVIDUAL TO ACT AS THE INTERIM ASSISTED LIVING MANAGER.

~~5.~~ **4. AN INDIVIDUAL APPOINTED UNDER SUBSUBPARAGRAPH ~~4.3~~ 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 ~~(6)~~ (7) OF THIS SUBSECTION, A LICENSED ASSISTED LIVING MANAGER DESIGNATED UNDER PARAGRAPH ~~(1)~~ (1)(I) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

~~(4)~~ (5) EXCEPT AS PROVIDED IN PARAGRAPH ~~(6)~~ (7) OF THIS SUBSECTION, AN INDIVIDUAL APPOINTED IN ACCORDANCE WITH PARAGRAPH ~~(2)~~ (1)(II) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

~~(5)~~ (6) THE BOARD MAY DENY APPROVAL OF AN APPOINTMENT UNDER PARAGRAPH ~~(1)~~ OR (2) OF THIS SUBSECTION BASED ON THE RESULTS OF A CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER PARAGRAPH ~~(3)~~ (4) OR ~~(4)~~ (5) OF THIS SUBSECTION AFTER CONSIDERATION OF THE FACTORS LISTED IN § 9-3A-05(B)(1) OF THIS SUBTITLE.

~~(6)~~ (7) PARAGRAPHS ~~(3)~~ (4) AND ~~(4)~~ (5) 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; ~~AND~~

(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, ARE DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF THIS SECTION.

~~(B) THE APPLICANT MUST HAVE:~~

~~(1) (I) A HIGH SCHOOL DIPLOMA;~~

~~(II) A HIGH SCHOOL EQUIVALENCY DIPLOMA; OR~~

~~(III) OTHER APPROPRIATE EDUCATION AS DETERMINED BY THE BOARD;~~

~~(2) APPROPRIATE EXPERIENCE AS DETERMINED BY THE BOARD;~~

~~(3) COMPLETED A MANAGER IN TRAINING PROGRAM APPROVED BY THE BOARD;~~

~~(4) PASSED:~~~~(I) AN EXAMINATION ON STATE STANDARDS DEVELOPED BY THE BOARD; AND~~~~(II) A NATIONAL EXAMINATION FOR ASSISTED LIVING MANAGERS ADMINISTERED BY THE NATIONAL ASSOCIATION OF BOARDS OF LONG TERM CARE; AND~~~~(5) MET ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE BOARD.~~~~(C) THE BOARD MAY ESTABLISH DIFFERENT APPLICANT REQUIREMENTS FOR ASSISTED LIVING MANAGERS CORRESPONDING TO:~~~~(1) THE DIFFERENT LEVELS OF ASSISTED LIVING DEFINED BY THE DEPARTMENT AS REQUIRED BY § 19-1805(A)(1) OF THE HEALTH GENERAL ARTICLE; OR~~~~(2) THE NUMBER OF BEDS AN ASSISTED LIVING PROGRAM IS LICENSED TO PROVIDE.~~~~(D) THE BOARD MAY WAIVE THE EXPERIENCE AND TRAINING REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION FOR AN INDIVIDUAL WHO, BEFORE OCTOBER 1, 2022, MEETS THE REQUIREMENTS OF § 19-1807 OF THE HEALTH GENERAL ARTICLE AND ANY RELATED REGULATIONS.~~

9-3A-03.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES;

(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD;
AND

(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

9-3A-04.

(A) THE BOARD SHALL KEEP A FILE OF EACH APPLICATION FOR A LICENSE MADE UNDER THIS SUBTITLE.

(B) THE FILE SHALL CONTAIN:

(1) THE NAME, ADDRESS, AND AGE OF THE APPLICANT;

(2) THE NAME AND ADDRESS OF THE EMPLOYER OR BUSINESS CONNECTION OF THE APPLICANT;

(3) THE DATE OF THE APPLICATION;

(4) COMPLETE AND CURRENT INFORMATION ON THE EDUCATIONAL, TRAINING, AND EXPERIENCE QUALIFICATIONS OF THE APPLICANT;

(5) THE DATE THE BOARD REVIEWED AND ACTED ON THE APPLICATION;

(6) THE ACTION TAKEN BY THE BOARD ON THE APPLICATION;

(7) THE IDENTIFYING NUMBERS OF ANY LICENSE OR RENEWAL LICENSE ISSUED TO THE APPLICANT; AND

(8) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS NECESSARY.

(C) THE APPLICATION FILES SHALL BE OPEN TO PUBLIC INSPECTION.

9-3A-05.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS SUBTITLE.

(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE NATURE OF THE CRIME;

(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(V) SUBSEQUENT WORK HISTORY;

(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

9-3A-06.

THE APPLICANT MAY APPEAL A DECISION OF THE BOARD THAT RELATES TO ISSUING OR RENEWING A LICENSE AS PROVIDED FOR IN § 9-3A-15 OF THIS SUBTITLE.

9-3A-07.

A LICENSE AUTHORIZES THE LICENSEE TO PRACTICE AS AN ASSISTED LIVING MANAGER WHILE THE LICENSE IS IN EFFECT.

9-3A-08.

(A) A LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE, UNLESS THE LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION.

(B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL TO THE LAST KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

(3) THE AMOUNT OF THE RENEWAL FEE.

(c) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:

- (1) OTHERWISE IS ENTITLED TO BE LICENSED;
- (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND
- (3) SUBMITS TO THE BOARD:

(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION ~~AND OTHER QUALIFICATIONS AND~~ REQUIREMENTS ~~SET UNDER THIS SECTION FOR LICENSE RENEWAL UNDER § 19-1807 OF THE HEALTH-GENERAL ARTICLE.~~

~~(D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY SET CONTINUING EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF LICENSES UNDER THIS SECTION.~~

~~(2) IF A CONTINUING EDUCATION PROGRAM RELATES TO FEDERAL OR STATE REGULATION, POLICY AND PROCEDURES, OR LAW, THE BOARD, IN ITS SOLE DISCRETION, MAY GRANT A REQUEST FOR ACCREDITATION OF THE PROGRAM.~~

~~(E) (D)~~ THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

~~(F) (E)~~ (1) THE BOARD SHALL REQUIRE A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE FOR:

(I) LICENSURE RENEWAL APPLICANTS; AND

(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT UNDER § 9-3A-09 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR A PERIOD OF 1 YEAR OR MORE.

(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

- (II) THE NATURE OF THE CRIME;
- (III) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- (IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- (V) SUBSEQUENT WORK HISTORY;
- (VI) EMPLOYMENT AND CHARACTER REFERENCES; AND
- (VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

(4) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.

9-3A-09.

(A) THE BOARD SHALL REINSTATE THE LICENSE OF AN ASSISTED LIVING MANAGER WHO HAS FAILED TO RENEW A LICENSE FOR ANY REASON, IF THE LICENSEE:

- (1) HAS NOT HAD THE LICENSE SUSPENDED OR REVOKED;
- (2) MEETS THE RENEWAL REQUIREMENTS OF § 9-3A-08 OF THIS SUBTITLE;
- (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;
- (4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED UNDER THIS SUBTITLE FOR LICENSE REINSTATEMENTS; AND
- (5) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

(B) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN ASSISTED LIVING MANAGER WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES, UNLESS THE ASSISTED LIVING MANAGER BECOMES LICENSED BY MEETING THE REQUIREMENTS FOR OBTAINING A NEW LICENSE UNDER THIS SUBTITLE IN EFFECT AT THE TIME THE LICENSEE SEEKS TO REINSTATE THE LICENSE.

9-3A-10.

(A) IF AN INDIVIDUAL HAS BEEN LICENSED BY THE BOARD TO PRACTICE AS AN ASSISTED LIVING MANAGER IN THE STATE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBTITLE, THE INDIVIDUAL MAY BE LICENSED SUBSEQUENTLY AS AN ASSISTED LIVING MANAGER ON INACTIVE STATUS, RETAINING THE LICENSEE'S ORIGINAL LICENSE NUMBER.

(B) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE BOARD:

(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM REQUIRED BY THE BOARD; AND

(II) THE INACTIVE STATUS FEE SET BY THE BOARD.

(2) A LICENSEE'S INACTIVE STATUS EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE DATE, UNLESS THE LICENSEE RENEWS THE INACTIVE STATUS FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION.

(3) THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITH WRITTEN NOTIFICATION OF:

(I) THE DATE THAT THE LICENSEE'S INACTIVE STATUS BECOMES EFFECTIVE;

(II) THE DATE THAT THE LICENSEE'S 2-YEAR TERM OF INACTIVE STATUS EXPIRES; AND

(III) THE CONSEQUENCES OF:

1. NOT RENEWING INACTIVE STATUS BEFORE EXPIRATION OF THE 2-YEAR TERM OF INACTIVE STATUS; AND

2. NOT RESUMING ACTIVE STATUS WITHIN THE 5-YEAR PERIOD OF INACTIVE STATUS, BEGINNING ON THE FIRST DAY OF INACTIVE STATUS.

(C) A LICENSEE ON INACTIVE STATUS MAY NOT PRACTICE AS AN ASSISTED LIVING MANAGER IN THE STATE.

(D) THE BOARD SHALL REACTIVATE THE LICENSE OF A LICENSEE WHO IS ON INACTIVE STATUS IF THE LICENSEE:

(1) COMPLETES AN APPLICATION FORM FOR REACTIVATION OF THE LICENSE BEFORE EXPIRATION OF THE 2-YEAR TERM OF INACTIVE STATUS ON THE FORM REQUIRED BY THE BOARD;

(2) COMPLIES WITH THE RENEWAL REQUIREMENTS IN EFFECT AT THE TIME THE LICENSEE SEEKS TO REACTIVATE THE LICENSE;

(3) MEETS THE CONTINUING EDUCATION REQUIREMENTS SET BY THE BOARD;

(4) HAS NOT PRACTICED AS AN ASSISTED LIVING MANAGER IN THE STATE WHILE ON INACTIVE STATUS;

(5) PAYS ALL APPROPRIATE FEES SET BY THE BOARD;

(6) HAS BEEN ON INACTIVE STATUS FOR LESS THAN 5 YEARS; AND

(7) IS OTHERWISE ENTITLED TO BE LICENSED.

(E) BEFORE THE BOARD MAY REACTIVATE THE LICENSE OF AN INDIVIDUAL WHO HAS BEEN ON INACTIVE STATUS FOR 5 YEARS OR MORE, THE INDIVIDUAL SHALL:

(1) SUBMIT A NEW APPLICATION;

(2) PAY ALL APPROPRIATE FEES SET BY THE BOARD;

(3) COMPLETE A BOARD-APPROVED MANAGER REFRESHER PROGRAM;

(4) PASS AN EXAMINATION APPROVED BY THE BOARD; AND

(5) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

(F) AN ASSISTED LIVING MANAGER WHOSE INACTIVE STATUS EXPIRES BEFORE THE ASSISTED LIVING MANAGER'S LICENSE IS REACTIVATED SHALL MEET THE REINSTATEMENT REQUIREMENTS OF § 9-3A-09 OF THIS SUBTITLE.

9-3A-11.

(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A LICENSE, A LICENSED ASSISTED LIVING MANAGER MAY NOT SURRENDER THE LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE ASSISTED LIVING MANAGER UNDER INVESTIGATION OR AGAINST WHOM CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE.

9-3A-12.

(A) THE BOARD SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION AS TO ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT A LICENSEE HAS FAILED TO MEET ANY STANDARD OF THE BOARD.

(B) SUBJECT TO THE HEARING PROVISIONS OF § 9-3A-14 OF THIS SUBTITLE, THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY LICENSEE, PLACE ANY LICENSEE ON PROBATION, SUSPEND OR REVOKE A LICENSE, OR IMPOSE A CIVIL FINE IF THE APPLICANT OR LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE LICENSEE OR FOR ANOTHER INDIVIDUAL;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) FAILS TO MEET THE STANDARDS OF PRACTICE FOR ASSISTED LIVING ADOPTED BY THE BOARD UNDER § 9-205 OF THIS TITLE;

(4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;

(5) PROVIDES PROFESSIONAL SERVICES WHILE:

(I) UNDER THE INFLUENCE OF ALCOHOL; OR

(ii) USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION;

(6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

(7) PRACTICES ASSISTED LIVING MANAGEMENT WITH AN UNAUTHORIZED INDIVIDUAL OR SUPERVISES OR AIDS AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT;

(8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT;

(9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

(10) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

(11) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE LICENSEE'S PRACTICE AS AN ASSISTED LIVING MANAGER;

(12) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(13) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(14) FAILS TO OVERSEE, MANAGE, OR ADMINISTER AN ASSISTED LIVING PROGRAM TO THE EXTENT THAT THE SAFETY, HEALTH, OR LIFE OF ANY RESIDENT HAS BEEN ENDANGERED;

(15) ENDANGERS OR SANCTIONS THE ENDANGERMENT OF THE SAFETY, HEALTH, OR LIFE OF ANY RESIDENT;

(16) VIOLATES ANY OF THE PROVISIONS OF LAW OR REGULATIONS GOVERNING ASSISTED LIVING PROGRAMS IN THE STATE; OR

(17) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

9-3A-13.

(A) (1) IF, AFTER A HEARING UNDER § 9-3A-14 OF THIS SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 9-3A-12 OF THIS SUBTITLE TO REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE, THE BOARD MAY IMPOSE A CIVIL FINE:

(I) INSTEAD OF SUSPENDING OR REVOKING THE LICENSE; OR

(II) IN ADDITION TO A REPRIMAND, PLACING THE LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE LICENSE.

(2) A CIVIL FINE IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED:

(I) ~~\$5,000~~ \$1,000 FOR A FIRST VIOLATION; AND

(II) ~~\$10,000~~ \$5,000 FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.

(B) IF, AFTER DISCIPLINARY PROCEDURES HAVE BEEN BROUGHT AGAINST A LICENSEE, THE LICENSEE WAIVES THE RIGHT TO A HEARING REQUIRED UNDER THIS SUBTITLE AND IF THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 9-3A-12 OF THIS SUBTITLE TO REPRIMAND THE LICENSEE, PLACE THE LICENSEE ON PROBATION, OR SUSPEND OR REVOKE A LICENSE, THE BOARD, IN ADDITION TO REPRIMANDING THE LICENSEE, PLACING THE LICENSEE ON PROBATION, OR SUSPENDING OR REVOKING THE LICENSE, MAY IMPOSE:

(1) A CIVIL FINE NOT EXCEEDING ~~\$5,000~~ \$1,000 FOR A FIRST VIOLATION; AND

(2) A CIVIL FINE NOT EXCEEDING ~~\$10,000~~ \$5,000 FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.

(C) THE BOARD SHALL PAY ANY CIVIL FINE COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

9-3A-14.

(A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 9-3A-12 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE DIRECTOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE IT.

(D) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT JURISDICTION MAY PUNISH THE PERSON FOR CONTEMPT OF COURT.

(E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR FOR A HEARING, THE BOARD MAY:

~~(1) HEAR HEAR AND DETERMINE THE MATTER; OR~~

~~(2) ISSUE A DEFAULT ORDER.~~

9-3A-15.

(A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 9-3A-12 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY PETITION FOR JUDICIAL REVIEW AS ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 9-3A-12 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT.

(C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL REVIEW.

9-3A-16.

(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED UNDER THIS SUBTITLE MAY APPLY FOR REINSTATEMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE REVOCATION ORDER OR SURRENDER.

(B) IF AN INDIVIDUAL APPLIES FOR REINSTATEMENT UNDER SUBSECTION (A) OF THIS SECTION, THE BOARD MAY:

(1) REINSTATE THE LICENSE;

(2) REINSTATE THE LICENSE WITH TERMS AND CONDITIONS THE BOARD DETERMINES ARE APPROPRIATE AND NECESSARY; OR

(3) DENY REINSTATEMENT.

(C) IF THE BOARD DENIES AN APPLICATION FOR REINSTATEMENT, THE BOARD MAY:

(1) SET A DATE BEFORE WHICH THE APPLICANT MAY NOT REAPPLY;
OR

(2) PERMANENTLY PROHIBIT REAPPLICATION.

(D) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED UNDER THIS SUBTITLE AND WHO SEEKS REINSTATEMENT SHALL MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED FOR THE RENEWAL OF LICENSES AS IF THE INDIVIDUAL WERE LICENSED DURING THE PERIOD OF REVOCATION OR SURRENDER.

9-3A-17.

(A) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR PRACTICING AS AN ASSISTED LIVING ~~MANAGEMENT~~ MANAGER WITHOUT A LICENSE OR WITH AN UNAUTHORIZED INDIVIDUAL OR FOR SUPERVISING OR AIDING AN UNAUTHORIZED INDIVIDUAL IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT.

(B) (1) AN ACTION FOR AIDING AND ABETTING MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

(I) THE UNAUTHORIZED PRACTICE OF ASSISTED LIVING MANAGEMENT; OR

(II) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 9-3A-12 OF THIS SUBTITLE.

(2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

- (I) THE BOARD, IN ITS OWN NAME;**
- (II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR**
- (III) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.**

(3) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT RESIDES OR ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

(4) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.

(5) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF ASSISTED LIVING MANAGEMENT UNDER § 9-401 OF THIS TITLE OR DISCIPLINARY ACTION UNDER § 9-3A-12 OF THIS SUBTITLE.

9-3A-18.

AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED UNDER THIS SUBTITLE MAY NOT WORK FOR, BE EMPLOYED BY, OR PERFORM SERVICES FOR AN ASSISTED LIVING PROGRAM OR NURSING HOME IN THE STATE UNLESS THE INDIVIDUAL'S LICENSE IS REINSTATED UNDER § 9-3A-16 OF THIS SUBTITLE.

9-401.

(A) Except as otherwise provided in this title, an individual may not:

(1) Practice, attempt to practice, or offer to practice as a nursing home administrator in this State unless licensed by the Board; [or]

(2) Supervise, direct, induce, or aid an unlicensed individual to practice as a nursing home administrator;

(3) PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS AN ASSISTED LIVING MANAGER IN THIS STATE UNLESS LICENSED BY THE BOARD; OR

(4) SUPERVISE, DIRECT, INDUCE, OR AID AN UNLICENSED INDIVIDUAL TO PRACTICE AS AN ASSISTED LIVING MANAGER.

(B) (1) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE BOARD FROM TAKING ANY OTHER ACTION AUTHORIZED UNDER THIS TITLE AGAINST A LICENSEE, AN APPLICANT, OR ANOTHER INDIVIDUAL.

(2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR A VIOLATION OF THIS SECTION.

(II) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS PARAGRAPH INTO THE GENERAL FUND OF THE STATE.

(3) IF THE BOARD FINDS A VIOLATION OF SUBSECTION (A)(3) OF THIS SECTION ON OR BEFORE SEPTEMBER 30, 2025, THE BOARD SHALL PROVIDE THE INDIVIDUAL WITH WRITTEN NOTICE AND A 60-DAY PERIOD TO COMPLY WITH THE LICENSURE REQUIREMENT BEFORE IMPOSING THE FINE.

9-402.

(a) **(1)** Unless authorized to practice as a nursing home administrator under **SUBTITLE 3 OF** this title, [a person] **AN INDIVIDUAL** may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the [person] **INDIVIDUAL** is authorized to practice as a nursing home administrator in this State.

[(b)] **(2)** Unless authorized to practice under **SUBTITLE 3 OF** this title, [a person] **AN INDIVIDUAL** may not use the title “nursing home administrator”, or the abbreviation “N.H.A.” or any other designation, title, or abbreviation with the intent to represent that the [person] **INDIVIDUAL** is authorized to practice as a nursing home administrator.

(B) (1) UNLESS AUTHORIZED TO PRACTICE AS AN ASSISTED LIVING MANAGER UNDER SUBTITLE 3A OF THIS TITLE, AN INDIVIDUAL MAY NOT REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE AS AN ASSISTED LIVING MANAGER IN THIS STATE.

(2) UNLESS AUTHORIZED TO PRACTICE UNDER SUBTITLE 3A OF THIS TITLE, AN INDIVIDUAL MAY NOT USE THE TITLE “ASSISTED LIVING MANAGER”, OR ANY OTHER DESIGNATION, TITLE, OR ABBREVIATION WITH THE INTENT TO REPRESENT THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE AS AN ASSISTED LIVING MANAGER.

9-403.

A person may not:

(1) Sell or fraudulently obtain or furnish or aid in selling or fraudulently obtaining or furnishing a license issued under **SUBTITLE 3 OF** this title; [or]

(2) Practice as a nursing home administrator under any license unlawfully or fraudulently obtained or unlawfully issued;

(3) SELL OR FRAUDULENTLY OBTAIN OR FURNISH OR AID IN SELLING OR FRAUDULENTLY OBTAINING OR FURNISHING A LICENSE ISSUED UNDER SUBTITLE 3A OF THIS TITLE; OR

(4) PRACTICE AS AN ASSISTED LIVING MANAGER UNDER ANY LICENSE UNLAWFULLY OR FRAUDULENTLY OBTAINED OR UNLAWFULLY ISSUED.

9-405.

THE BOARD MAY TAKE DISCIPLINARY ACTION AGAINST AN INDIVIDUAL WHOSE LICENSE HAS EXPIRED OR BEEN SURRENDERED IN THE SAME MANNER THAT THE BOARD IS AUTHORIZED TO TAKE DISCIPLINARY ACTION AGAINST A LICENSEE UNDER THIS TITLE, IF THE BOARD INITIATED AN INVESTIGATION OF THE INDIVIDUAL OR ISSUED CHARGES AGAINST THE INDIVIDUAL WHILE THE INDIVIDUAL WAS LICENSED.

9-501.

This title may be cited as the [“Maryland Nursing Home Administrators Licensing Act”] **MARYLAND LONG-TERM CARE ADMINISTRATORS ACT.**

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

SECTION 4. AND BE IT FURTHER ENACTED, That on or before October 1, 2023, the State Board of Long-Term Care Administrators shall submit a report 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 this Act, including:

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

(2) the number of personnel employed by the Board to implement the assisted living manager licensure requirements;

(3) the ability of the Board’s software platform to accept applications for licensure as assisted living managers and issue the licenses;

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

(5) any other policies that the Board anticipates adopting to implement this Act.

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 ~~4~~ 6. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.