

HB1034/973829/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1034

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Pena–Melnyk**” and substitute “**Delegates Pena–Melnyk, Bagnall, Belcastro, Bhandari, Carr, Chisholm, Cullison, Hill, Johnson, Kaiser, Kelly, Kerr, Kipke, Krebs, Landis, R. Lewis, Morgan, Reilly, Rosenberg, Pendergrass, Saab, Sample–Hughes, Szeliga, and K. Young**”; in line 2, strike “**and**” and substitute a comma; in line 3, after “**Managers**” insert “**, and Penalties**”; in line 7, after “Board;” insert “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;”; in the same line, strike “the licensing of assisted living managers and”; after line 14, insert:

“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)”;

and strike beginning with “9–315” in line 18 down through the semicolon in line 19.

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On page 2, after line 7, insert:

“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)”.

AMENDMENT NO. 2

On page 2, after line 12, insert:

“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.

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(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

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(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.”.

On page 4, in line 5, strike “Six” and substitute “**FIVE**”; in lines 10 and 16, in each instance, strike “**THREE**” and substitute “**FIVE**”; in line 11, strike “**ASSISTED LIVING MANAGERS**” and substitute “**INDIVIDUALS**”; in line 13, strike “**§ 19-1807**” and substitute “**§ 19-1807(A)**”; in the same line, after “**ARTICLE**” insert “**OR ARE EXEMPT FROM THE REQUIREMENT UNDER § 19-1807(D) OF THE HEALTH – GENERAL ARTICLE**”; and in line 14, strike “**PRACTICED FOR**” and substitute “**EMPLOYED BY**”.

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On page 8, in line 22, strike the brackets; in the same line, strike the colon; in line 23, strike “**(1) HEAR**”; in the same line, strike “; **OR**”; in line 24, strike “**(2) ISSUE A DEFAULT ORDER**”; and in line 30, strike “**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**” and substitute “**IF**”.

AMENDMENT NO. 3

On page 9, in line 4, strike “**ASSISTED LIVING AUTHORITY**” and substitute “**DESIGNEE**”; in line 5, after “**(I)**” insert “**1.**”; in line 7, strike “**(II)**” and substitute “**2.**”; in line 8, strike the period and substitute “; **OR**”; in line 9, strike “**(2)**” and substitute “**(II)**”; strike beginning with “**(I)**” in line 9 down through “**APPOINT**” in line 11 and substitute “**APPOINT AN ALTERNATE ASSISTED LIVING MANAGER OR**”; in line 13, strike “**2.**” and substitute “**(2) (I)**”; in the same line, strike “**THE APPOINTED**” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE APPOINTED ALTERNATE ASSISTED MANAGER OR**”; in lines 17 and 18, strike “**ASSISTED LIVING AUTHORITY**” and substitute “**DESIGNEE**”; strike beginning with “**THE**” in line 26 down through “**4.**” in line 28; in line 29, strike “**(I)2**” and substitute “**(I)**”; and in line 33, strike “**ASSISTED LIVING AUTHORITY**” and substitute “**DESIGNEE**”.

On page 10, in line 3, strike “**5.**” and substitute “**4.**”; in line 12, after “**(3)**” insert “**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);

in lines 12, 16, and 25, in each instance, strike “**(6)**” and substitute “**(7)**”; in line 13, strike “**(1)**” and substitute “**(1)(I)**”; in lines 16, 22, and 25, in each instance, strike “**(4)**”

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and substitute “**(5)**”; in line 17, strike “**(2)**” and substitute “**(1)(II)**”; in line 20, strike “**(5)**” and substitute “**(6)**”; in line 21, strike “**(1) OR**”; in lines 22 and 25, in each instance, strike “**(3)**” and substitute “**(4)**”; in line 26, after “**LICENSED**” insert “**, CERTIFIED, OR REGISTERED**”; and in line 28, after “**LICENSURE**” insert “**, CERTIFICATION, OR REGISTRATION**”.

AMENDMENT NO. 4

On page 11, in line 1, strike “**AND**”; and in line 2, after “**OLD**” insert “**;**”

(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”.

On pages 11 and 12, strike in their entirety the lines beginning with line 3 on page 11 through line 1 on page 12, inclusive.

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On page 14, in line 22, strike “**AND OTHER QUALIFICATIONS AND**”; and strike beginning with “**SET**” in line 22 down through “**RENEWAL**” in line 23 and substitute “**UNDER § 19–1807 OF THE HEALTH – GENERAL ARTICLE**”.

On pages 14 and 15, strike in their entirety the lines beginning with line 24 on page 14 through line 1 on page 15, inclusive.

On page 15, in lines 2 and 4, strike “**(E)**” and “**(F)**”, respectively, and substitute “**(D)**” and “**(E)**”, respectively.

AMENDMENT NO. 5

On page 20 in line 29, and on page 21 in line 10, in each instance, strike “**\$5,000**” and substitute “**\$1,000**”.

On page 21, in lines 1 and 12, in each instance, strike “**\$10,000**” and substitute “**\$5,000**”; and in line 32, strike the colon.

On page 22, in line 1, strike “**(1) HEAR**” and substitute “**HEAR**”; in the same line, strike “; **OR**”; and in line 2, strike “**(2) ISSUE A DEFAULT ORDER**”.

On page 23, in line 8, after “**PRACTICING**” insert “**AS AN**”; and in line 9, strike “**MANAGEMENT**” and substitute “**MANAGER**”.

On page 24, in line 10, before “Except” insert “**(A)**”; and after line 18, insert:

“(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.”

(Over)

(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.”.

AMENDMENT NO. 6

On page 25, in line 32, strike “and”.

On page 26, in line 1, strike “one member” and substitute “two members”; and in the same line, after “2026” insert “; 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;

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(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”;

and in line 2, strike “4.” and substitute “6.”.