

Chapter 331

(House Bill 938)

AN ACT concerning

Continuing Care Providers – Governing Bodies – Membership

FOR the purpose of requiring the appointment of an alternate subscriber member to the governing body of a continuing care provider; providing for the duties of the alternate subscriber member; and generally relating to the membership of governing bodies of continuing care providers.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–427
Annotated Code of Maryland
(2019 Replacement Volume and 2024 Supplement)

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

Article – Human Services

10–427.

(a) (1) If a provider has a governing body, at least one of the provider’s subscribers shall be a full and regular member of the governing body.

(2) If the provider owns or operates more than three facilities in the State, the governing body shall include at least one of the provider’s subscribers for every three facilities in the State.

(3) (I) IF THE GOVERNING BODY HAS ONLY ONE SUBSCRIBER, THE GOVERNING BODY SHALL AUTHORIZE THE APPOINTMENT OF AN ALTERNATE SUBSCRIBER TO SERVE AS A REGULAR MEMBER OF THE GOVERNING BODY IF THE REGULAR SUBSCRIBER IS UNABLE TO FULFILL THE SUBSCRIBER’S DUTIES.

(II) THE ALTERNATE SUBSCRIBER MAY:

1. ATTEND ALL MEETINGS OF THE GOVERNING BODY;

AND

2. VOTE ONLY IF THE REGULAR SUBSCRIBER IS UNABLE TO FULFILL THE SUBSCRIBER’S DUTIES AS A REGULAR MEMBER OF THE GOVERNING BODY.

[(3)] (4) Subject to paragraph **[(4)] (5)** of this subsection, a **REGULAR OR ALTERNATE** member of the governing body who is selected to meet the requirements of this subsection shall be a subscriber at a facility in the State and be selected according to the same general written standards and criteria used to select other members of the governing body.

[(4)] (5) The governing body shall confer with the resident association at each of the provider's facilities before the subscriber **OR ALTERNATE SUBSCRIBER** officially joins the governing body.

[(5)] (6) (i) A subscriber member **OR ALTERNATE SUBSCRIBER MEMBER** of a governing body may report on nonconfidential deliberations, actions, and policies of the governing body to the resident association.

(ii) The governing body in its sole but reasonable discretion shall determine whether a matter is confidential.

[(6)] (7) The Secretary may waive the requirements of this subsection for a provider in the process of decertifying as a provider, if the Secretary determines that there are no subscribers willing and able to serve on the governing body.

(b) (1) If a provider does not have a governing body, the provider shall appoint a select committee of its officers or partners to meet at least quarterly with the resident association at each of its facilities to address concerns of the subscribers and to ensure that the opinions of subscribers are relayed to all officers or partners of the provider.

(2) If a facility does not have a resident association, the committee shall meet with a reasonable number of representatives, not required to exceed fifteen, that the subscribers elect.

(c) As determined by the provider's governing body, the provider shall make available to subscribers either the nonconfidential portions of the minutes of each meeting of the governing body or a summary of the nonconfidential portions of the minutes, within 1 month of approval of the minutes.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October 1, 2025~~ January 1, 2026.

Approved by the Governor, May 6, 2025.