

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
Maryland Department of Aging  
(DLS Control No. 15-227)**

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## **Overview and Legal and Fiscal Impact**

The regulation reduces, from \$100 to \$50, the fee per unit for filing a request for approval of an expansion of a continuing care facility with the Department of Aging.

The regulation presents no legal issue of concern.

Special fund revenues for the Maryland Department of Aging decrease minimally beginning in fiscal 2016 due to a reduction in the filing fee for an application for expansion of a continuing care facility.

## **Regulation of COMAR Affected**

### **Maryland Department of Aging:**

Provider Regulations: Certificate of Registration for Continuing Care Facilities and  
Providers: COMAR 32.02.01.17

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## **Legal Analysis**

### **Background**

On September 15, 2015, Governor Larry Hogan announced a plan to reduce or eliminate a number of fees across State government. This regulation is part of that plan. Additional information regarding Governor Hogan's fee reduction initiative may be found [here](#).

Continuing care retirement communities are regulated by the Department of Aging. A provider may not provide continuing care in the State until the department issues a certificate of registration, which must be renewed annually. A provider must obtain approval from the department for certain renovations and expansions of an existing continuing care facility.

### **Summary of Regulation**

The regulation reduces, from \$100 to \$50, the fee per unit for filing a request for approval of an expansion with the department.

### **Legal Issue**

The regulation presents no legal issue of concern.

## **Statutory Authority and Legislative Intent**

The department cites § 10–403 of the Human Services Article as statutory authority for the regulation. More specifically, § 10–403(c) and (d), respectively, authorize the department to establish and collect reasonable filing fees to carry out Title 10, Subtitle 4 of the Human Services Article, which generally concerns continuing care, and to adopt regulations to enforce that subtitle.

This authority is correct and complete. The regulation complies with the legislative intent of the law

## **Fiscal Analysis**

Special fund revenues for the Maryland Department of Aging decrease minimally beginning in fiscal 2016 due to a reduction in the filing fee for an application for expansion of a continuing care facility.

### **Agency Estimate of Projected Fiscal Impact**

The regulation reduces, from \$100 to \$50, the fee per unit for filing a request for approval of an expansion of a continuing care facility with the Department of Aging. The department advises that it receives an average of one request per year, and that the request includes an average of 11 units. Thus, special fund revenues decrease by approximately \$550 annually. The Department of Legislative Services concurs.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Additional Comments**

The department indicates that the filing fee can be reduced without impacting the department's ability to process requests for expansion. No recent increase in the expansion application fee was reported.

## **Contact Information**

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