

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
Department of Human Resources  
(DLS Control No. 15-323)**

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**Overview and Legal and Fiscal Impact**

The regulations clarify eligibility for and allow a minimal expansion of the Certified Adult Residential Environment (CARE) Program.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**Department of Human Resources:**

Social Services Administration: Certified Adult Residential Environment (CARE)  
Program: COMAR 07.02.19.01-.17

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**Legal Analysis**

**Summary of Regulations**

The regulations clarify eligibility for and allow a minimal expansion of the CARE Program. The regulations clarify that the CARE Program is not a tenant/landlord housing arrangement. The regulations also add definitions of “behavioral health impairment” and “licensed health care provider” and amend other definitions. The regulations expand eligibility for the program to include an individual who does not pose a risk or danger to him/herself or others.

The regulations alter the application for CARE services to include a completed Project Home application form. In addition, with respect to the frequency with which the case manager is required to visit the resident, the regulations require the case manager to request a schedule change for approval by the Supervisor after the resident has been in placement for 90 days if a different schedule is warranted and provide that under no circumstances shall the resident be seen less than every 2 months. The regulations authorize the local department of social services to terminate CARE services when the resident refuses to reimburse the provider for service.

The regulations alter the certification requirements for CARE homes to require the provider or incorporated provider’s designee to submit a medical statement from a licensed medical care provider, indicating that the applicant has the physical and mental capacity to provide care to residents. In addition, the regulations require providers to have at least one backup provider, or

backup/substitute staff, who submit a medical statement from a licensed medical care provider indicating that the backup provider or staff has the physical and mental capacity to provide care to residents. The regulations require a CARE home to have at least one operable carbon monoxide alarm where there is fossil fuel, such as natural gas, propane, fuel oil, or pellet stoves. In addition, the regulations require the local department to evaluate the provider applicant and the residence through any backup provider who will care for the residents and to review specified qualifications of all backup providers who will care for residents. The local department must also arrange for CARE training for the provider applicant and the backup providers.

The regulations add to the responsibilities of CARE providers (1) providing the resident with sufficient, weather appropriate clothing to maintain hygiene and (2) notifying the local department at least 30 days before making any other changes affecting certification. The regulations also require the local department to review the status of a criminal record for, and qualifications of, backup providers and staff where appropriate. The regulations authorize the local department to place the provider on probationary status for not more than 60 days from the date of the department's knowledge of the violation and require the probation notice to include the statement that probationary status may lead to revocation of certification if the violation is not corrected within the probation period. The regulations authorize the local department to revoke a certificate if the provider fails to disclose pertinent information related to certification.

### **Legal Issues**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The Department of Human Resources cites §§ 6-508 through 6-513 of the Human Services Article and §§ 19-1801 through 19-1806 of the Health – General Article as statutory authority for the regulations. Sections 6-508 through 6-513 set forth the CARE Program. Specifically, § 6-512 authorizes the department to adopt regulations to carry out the CARE Program. Sections 19-1801 through 19-1806 provide for assisted living programs.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

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

The department advises that the regulations have no impact on State or local governments. 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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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