

BY: Finance Committee

AMENDMENTS TO SENATE BILL NO. 545

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after “regulations” insert “in consultation with certain persons and”; in line 8, after the semicolon insert “specifying certain provisions of those regulations;”; in line 9, after the semicolon insert “altering the name and composition of a certain Board;”.

AMENDMENT NO. 2

On page 3, in line 18, strike “8” and substitute “15”; in line 21, after “Aging;” insert “AND”; in line 22, after “(4)” insert “THE FOLLOWING VOTING MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE:”

(I)”;

in lines 22 and 23, strike “appointed by the Governor”; strike in their entirety lines 24 through 26, inclusive, and substitute:

“(II) 1 REPRESENTATIVE OF A SMALL PROGRAM WHICH WAS CERTIFIED AS A SHELTERED HOUSING PROJECT BY THE OFFICE ON AGING AS OF DECEMBER 31, 1995 OR COULD HAVE BEEN CERTIFIED AS A SHELTERED HOUSING PROJECT BY THE OFFICE ON AGING IF IT HAD BEEN IN EXISTENCE ON DECEMBER 31, 1995;

“(III) 1 REPRESENTATIVE OF A SMALL PROGRAM WHICH WAS CERTIFIED AS A CARE PROGRAM BY THE DEPARTMENT OF HUMAN RESOURCES AS OF DECEMBER 31, 1995 OR COULD HAVE BEEN CERTIFIED AS A CARE PROGRAM BY THE DEPARTMENT OF HUMAN RESOURCES IF IT HAD BEEN IN EXISTENCE ON DECEMBER 31, 1995;

(Over)

(IV) 1 REPRESENTATIVE OF A SMALL PROGRAM WHICH WAS LICENSED OR REGISTERED AS A DOMICILIARY CARE PROGRAM BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AS OF DECEMBER 31, 1995 OR COULD HAVE BEEN LICENSED OR REGISTERED AS A DOMICILIARY CARE PROGRAM BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE IF IT HAD BEEN IN EXISTENCE ON DECEMBER 31, 1995;

(V) 4 CONSUMER MEMBERS;

(VI) 1 REPRESENTATIVE OF THE ASSISTED LIVING FACILITIES ASSOCIATION OF AMERICA;

(VII) 1 REPRESENTATIVE OF THE MARYLAND ASSOCIATION OF NONPROFIT HOMES FOR THE AGING;

(VIII) 1 REPRESENTATIVE OF THE HEALTH FACILITIES ASSOCIATION OF MARYLAND; AND

(IX) 1 REPRESENTATIVE OF THE LONG-TERM CARE ASSOCIATION.”;

in line 32, after “members.” insert “THE PROVIDER AND CONSUMER MEMBERS SHALL REPRESENT A BROAD GEOGRAPHIC CROSS SECTION OF THE STATE.”.

AMENDMENT NO. 3

On page 6, in line 36, after “provider” insert “OF”.

On page 7, in line 4, after “[his]” insert “THE”.

On page 13, after line 6, insert:

“(3) DEVELOP A WAIVER PROCESS FOR AUTHORIZING AN ASSISTED LIVING PROGRAM TO CONTINUE TO CARE FOR AN INDIVIDUAL WHOSE MEDICAL OR FUNCTIONAL CONDITION HAS CHANGED SINCE ADMISSION TO THE PROGRAM TO

AN EXTENT THAT THE LEVEL OF CARE REQUIRED BY THE INDIVIDUAL EXCEEDS THE LEVEL OF CARE FOR WHICH THE PROGRAM IS LICENSED;”;

in lines 7, 9, 11, 13, 15, and 17, strike “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively, and substitute “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively.

AMENDMENT NO. 4

On page 13, in line 19, after “(B)” insert “(1)”; in the same line, after “DEPARTMENT” insert “, IN CONSULTATION WITH REPRESENTATIVES OF THE AFFECTED INDUSTRY AND ADVOCATES FOR RESIDENTS OF THE FACILITIES AND WITH THE APPROVAL OF THE OFFICE ON AGING AND THE DEPARTMENT OF HUMAN RESOURCES,”; in lines 20 and 21, strike “WITH THE APPROVAL OF THE OFFICE ON AGING AND THE DEPARTMENT OF HUMAN RESOURCES”; and after line 21, insert:

“(2) THE REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) PROVIDE FOR THE LICENSING OF ASSISTED LIVING PROGRAMS AND THE RENEWAL OF LICENSES;

(II) REQUIRE THE SECRETARY TO CHARGE FEES IN A MANNER THAT WILL PRODUCE FUNDS NOT TO EXCEED THE ACTUAL DIRECT AND INDIRECT COSTS TO THE DEPARTMENT FOR INSPECTING ASSISTED LIVING PROGRAM FACILITIES AND MAINTAINING THE LICENSURE PROGRAM FOR ASSISTED LIVING PROGRAMS UNDER THIS SUBTITLE; AND

(III) REQUIRE THE DEPARTMENT, DURING A SURVEY OR OTHER INSPECTION OF AN ASSISTED LIVING PROGRAM, TO REVIEW THE NUMBER OF WAIVERS GRANTED TO THE PROGRAM UNDER SUBSECTION (A) (3) OF THIS SECTION AND DETERMINE WHETHER A CHANGE IN THE PROGRAM’S LICENSURE STATUS IS WARRANTED.”.

AMENDMENT NO. 5

On page 13, in line 24, after “regulations” insert “, in consultation with representatives of the affected industry and advocates for residents of the facilities,”; in line 26, after “program.” insert “The regulations shall require the Secretary of Health and Mental Hygiene to charge fees in a manner that will produce funds not to exceed the actual direct and indirect costs to the Department of Health and Mental Hygiene of inspecting assisted living program facilities and licensing assisted living programs.”.