
By: Senator Ruben

Introduced and read first time: February 2, 1996

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Office on Aging - Crimes Involving Moral Turpitude - Suspension or Revocation of**
3 **Certificates**

4 FOR the purpose of authorizing the Office on Aging to deny the issuance or deny,
5 suspend, or revoke certain certificates of applicants or providers of sheltered
6 housing for the elderly and continuing care facilities if the provider has been
7 convicted of or plead guilty or nolo contendere to or have a pending criminal case
8 for a crime involving moral turpitude under certain circumstances.

9 BY repealing and reenacting, with amendments,
10 Article 70B - Office on Aging
11 Section 4(b) and 22
12 Annotated Code of Maryland
13 (1995 Replacement Volume)

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

16 **Article 70B - Office on Aging**

17 4.

18 (b) With respect to the sheltered housing for elderly, the Director shall:

19 (1) Develop sheltered housing for the elderly, in conjunction with any public
20 or private profit or nonprofit corporation or any State or federal agency;

21 (2) Make maximum use of rent and other subsidies available from federal
22 and State sources and provide for subsidies necessary from State general funds to assist
23 low income aged to reside in sheltered housing as an alternative to more costly, but not
24 required, institutional care;

25 (3) Find sponsors or managers for sheltered housing projects;

26 (4) Assist developers in formulating design concepts and meeting program
27 needs;

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1 (5) When necessary, provide subsidies for congregate meals, housekeeping,
2 and personal services for sheltered housing, and develop eligibility requirements in
3 connection with these subsidies;

4 (6) Adopt regulations governing the certification and operation of sheltered
5 housing projects, INCLUDING THE DENIAL, SUSPENSION, OR REVOCATION OF A
6 CERTIFICATE OF A PROVIDER WHO HAS BEEN CONVICTED OR HAS PLEAD GUILTY
7 OR NOLO CONTENDERE TO A CRIME INVOLVING MORAL TURPITUDE OR
8 WITHHOLDING A DECISION ON WHETHER TO ISSUE, REVOKE, OR SUSPEND A
9 CERTIFICATE OF AN APPLICANT OR PROVIDER WHO HAS A PENDING CRIMINAL
10 CASE INVOLVING A CRIME OF MORAL TURPITUDE;

11 (7) Be authorized to conduct federal and State criminal background
12 investigations of providers of sheltered housing and their employees when the sheltered
13 housing provides for fewer than 16 unrelated individuals and is operated as a
14 single-family dwelling;

15 (8) Adopt regulations which provide for investigations of any criminal
16 record of a sheltered housing provider or employee under paragraph (6) of this
17 subsection;

18 (9) Certify and review the compliance of sheltered housing projects with the
19 regulations established for governing the certification and operation of these projects;

20 (10) As a prerequisite to certification and renewal of certification for
21 providers of sheltered housing for elderly, require each provider of sheltered housing for
22 elderly who suffer from Alzheimer's Disease and related disorders to have an in-service
23 education program that includes instruction on dementia and the techniques necessary to
24 manage dementia patients with regard to their physical, intellectual, and behavioral
25 manifestations; and

26 (11) Be authorized to impose a civil money penalty against a provider of
27 sheltered housing under § 4-I of this article.

28 22.

29 (a) A feasibility study approval may be denied for cause by the Office and a
30 preliminary certificate of registration, certificate of registration, or renewal certificate
31 may be denied, suspended, or revoked for cause by the Office. Grounds for denial,
32 suspension, or revocation include violation of the provisions of this subtitle, violations of
33 rules or regulations issued by the Office pursuant to this subtitle, misrepresentations, or
34 submissions of any false financial statement. For any denial, suspension, or revocation,
35 the Office shall set forth its reasons in writing.

36 (B) THE OFFICE MAY DENY, SUSPEND, OR REVOKE A PRELIMINARY
37 CERTIFICATE OF REGISTRATION, CERTIFICATE OF REGISTRATION, OR RENEWAL
38 CERTIFICATE OF AN APPLICANT OR PROVIDER WHO HAS BEEN CONVICTED OF OR
39 PLEADS GUILTY OR NOLO CONTENDERE TO A CRIME INVOLVING MORAL
40 TURPITUDE WHETHER OR NOT ANY APPEAL OR OTHER PROCEEDING IS PENDING
41 TO HAVE THE CONVICTION OR PLEA SET ASIDE.

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1 (C) (1) FOR AN APPLICANT OR PROVIDER WHO HAS A PENDING CRIMINAL
2 CASE FOR A CRIME INVOLVING MORAL TURPITUDE, THE OFFICE SHALL WITHHOLD
3 A DECISION ON WHETHER TO ISSUE, SUSPEND, OR REVOKE A PRELIMINARY
4 CERTIFICATE OF REGISTRATION, CERTIFICATE OF REGISTRATION, OR RENEWAL
5 CERTIFICATE OF THE APPLICANT OR PROVIDER UNTIL THERE HAS BEEN A FINAL
6 DISPOSITION OF THE CASE.

7 (2) AFTER THERE HAS BEEN A FINAL DISPOSITION OF THE PROVIDER'S
8 CRIMINAL CASE, THE OFFICE SHALL MAKE A DECISION TO APPROVE OR DENY THE
9 ISSUANCE OF A PRELIMINARY CERTIFICATE OF REGISTRATION, CERTIFICATE OF
10 REGISTRATION, OR RENEWAL CERTIFICATE TO THE PROVIDER.

11 [(b)] (D) The proceedings governing the appeal of a denial, revocation, or
12 suspension shall be conducted in accordance with the Maryland Administrative
13 Procedure Act.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1996.