
By: Chairman, Environmental Matters Committee (Departmental - Aging, Office on)

Introduced and read first time: January 16, 1997

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Senior Center Plus Program**

3 FOR the purpose of providing the Director of the Office on Aging authority to establish
4 a supervised day program for the frail elderly in a nonresidential setting;
5 establishing minimum standards for the Program; authorizing the adoption of rules
6 and regulations governing the Program; and generally relating to the Senior Center
7 Plus Program.

8 BY repealing and reenacting, with amendments,
9 Article 70B - Office on Aging
10 Section 4
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1996 Supplement)
13 (As enacted by Chapter 147 of the Acts of the General Assembly of 1996)

14 Preamble

15 WHEREAS, The elderly are the fastest growing segment of the population; and

16 WHEREAS, The segment of older persons over the age of 85 comprising the
17 population most at risk of disability is increasing three times faster than the elderly
18 population as a whole; and

19 WHEREAS, Research findings indicate that for each person in a nursing home,
20 there are two or three persons in the community who require the same degree of
21 attention; and

22 WHEREAS, It is recognized that the frail elderly can remain in the community, if
23 appropriate services and funding structures exist; and

24 WHEREAS, The frail elderly require special consideration and services tailored
25 to their functional status, mental/cognitive status, nutritional status, and social needs as
26 well as their medical needs; and

27 WHEREAS, Supervised day programs are one of the most rapidly growing
28 long-term care options available as the definition of health care has expanded to
29 encompass a variety of home- and community-based services; and

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1 WHEREAS, The Office on Aging has 17 years experience administering
2 Extended Nutrition Programs for the frail elderly, which are day services for this
3 population of frail, semi-ambulatory, community dwelling elders; now, therefore,

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

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

7 4.

8 (a) The Director on Aging shall:

9 (1) Administer programs and activities delegated by the federal government
10 to the State under the provisions of the Older Americans Act of 1965, as amended, which
11 are not otherwise committed by law to some other unit of State government;

12 (2) Evaluate the service needs of elderly persons in the State;

13 (3) Determine the extent to which existing public and private programs
14 meet the needs of the elderly;

15 (4) Establish priorities for meeting the needs of the elderly;

16 (5) Represent the interests of the elderly by serving as an advocate at all
17 levels of government;

18 (6) Provide consultation and technical assistance to communities and civic
19 groups developing local services for elderly persons;

20 (7) Maintain a clearinghouse of information related to the interests of the
21 elderly;

22 (8) Coordinate, subject to existing law, assess, and evaluate all State and
23 local programs and services, both public and private, insofar as they relate and are
24 important to the well-being of the State's aged, including programs and services in the
25 areas of income maintenance, public health, mental health, housing and urban
26 development, employment, education, recreation, and rehabilitation of the physically and
27 mentally handicapped;

28 (9) Review and formulate policy recommendations to the Governor on
29 publicly funded plans and programs which have an impact on the aged;

30 (10) Consult with and advise the secretaries of the principal departments of
31 State government with respect to the programs and services for the aged, for which they
32 are primarily responsible;

33 (11) Chair the Interagency Committee on Aging Services;

34 (12) Develop a statewide plan incorporating local plans for a comprehensive
35 and coordinated system of health, social, and community services for the aged, including
36 housing, institutional, and noninstitutional care;

37 (13) Cooperate with and receive the cooperation of State, federal and local
38 governmental units and agencies in effectuating the purposes of this article;

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1 (14) Consult with the Commission on Aging on all matters pertaining to
2 programs;

3 (15) Be a member of the Governor's Executive Council;

4 (16) Accept and use any State or federal funds for the purposes specified in
5 this article;

6 (17) Prepare and submit a budget for the Office on Aging in accordance with
7 the normal budget procedures;

8 (18) With the advice and recommendation of the Commission on Aging,
9 submit a report to the Governor and, subject to § 2-1312 of the State Government
10 Article, to the General Assembly on or before January 1 of each year that includes:

11 (i) A description of the elderly citizen activities centers in each
12 political subdivision;

13 (ii) The allocation and use of funds made available for elderly citizen
14 activities centers; and

15 (iii) The results of any studies and recommendations, if any, for
16 legislation; and

17 (19) Subject to § 2 of this article, appoint a deputy director on aging.

18 (b) With respect to congregate housing services, the Director shall:

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

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

26 (3) Find sponsors or managers for congregate housing services programs;

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

29 (5) When necessary, provide subsidies for congregate meals, housekeeping,
30 and personal services for congregate housing services programs, and develop eligibility
31 requirements in connection with these subsidies;

32 (6) Adopt regulations governing the certification and operation of
33 congregate housing services programs;

34 (7) Be authorized to conduct federal and State criminal background
35 investigations of providers of congregate housing services programs and their employees;

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1 (8) Adopt regulations which provide for investigations of any criminal
2 record of a congregate housing services program provider or employee under paragraph
3 (6) of this subsection;

4 (9) Certify and review the compliance of congregate housing services
5 programs with the regulations established for governing the certification and operation of
6 these programs;

7 (10) As a prerequisite to certification and renewal of certification for
8 providers of congregate housing services programs, require each provider of congregate
9 housing services for elderly individuals who suffer from Alzheimer's [Disease] DISEASE
10 and related disorders to have an in-service education program that includes instruction
11 on dementia and the techniques necessary to manage dementia patients with regard to
12 their physical, intellectual, and behavioral manifestations; and

13 (11) Be authorized to impose a civil money penalty against a provider of
14 congregate housing services under § 4-I of this article.

15 (c) (1) Any individual 70 years old or older is eligible for appointment to any
16 permanent classified service position in the State Personnel Management System for
17 which the individual qualifies, and the appointment is subject to the provisions of the
18 State Personnel and Pensions Article that govern classified service employees.

19 (2) Any individual who is first appointed to a permanent classified service
20 position or unclassified service position at the age of 70 or older shall not be eligible for
21 membership in the pension systems of the State.

22 (d) (1) The Director of the Office on Aging shall establish a "Golden Age
23 Card" Program and provide a Golden Age Card to any resident of the State who applies
24 to the Office on Aging for a card and who is 65 years of age or older or disabled. The
25 Director shall encourage voluntary programs to provide assistance of any kind to card
26 holders, and encourage support and participation in them by all persons. Card holders
27 shall be entitled to any assistance granted to them by and through these voluntary
28 programs, the laws of this State, or ordinances or resolutions of political subdivisions;
29 however, this subsection does not require any person or organization to provide any
30 assistance to card holders. The Director shall establish and charge a fee of \$1 to
31 accompany application for a card.

32 (2) Before issuing a Golden Age Card to any person, the Director shall
33 establish the identity of the person who applies for a card and shall ascertain that the
34 person is eligible to receive the card. The Director shall adopt regulations to prevent the
35 issuance of cards to persons not eligible to have them. Cards shall contain the signature of
36 the card holder and any other information the Director considers necessary to carry out
37 the purposes of the Golden Age Card Program. Any card that the Director issues may be
38 held in perpetuity by the original card holder and may not be transferable to any other
39 person. A person who loses his card may obtain another card from the Office upon
40 providing the same information as was required for the issuance of the original card.

41 (3) A card holder may not use a Golden Age Card except to obtain a benefit
42 to which the holder is entitled under the conditions of the offer.

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1 (4) As used in this subsection, "disabled person" means a person who has
2 been certified as permanently and totally disabled by an agency of this State or the United
3 States having the function of so classifying persons.

4 (e) With respect to assisted living programs, as defined under § 19-1801 of the
5 Health - General Article, the Director shall:

6 (1) Develop assisted living programs for the elderly, in conjunction with any
7 public or private profit or nonprofit corporation or any State or federal agency;

8 (2) Make maximum use of rent and other subsidies available from federal
9 and State sources and provide for subsidies necessary from State general funds to assist
10 low income elderly individuals to reside in assisted living programs as an alternative to
11 more costly, but not required, institutional care;

12 (3) Find sponsors for assisted living programs;

13 (4) Assist developers in formulating design concepts and meeting program
14 needs;

15 (5) When necessary and in accordance with available funds, provide
16 subsidies for congregate meals, housekeeping, and personal services for assisted living
17 programs and develop eligibility requirements in connection with these subsidies;

18 (6) Adopt regulations governing eligibility requirements for subsidies; and

19 (7) Review the compliance of assisted living programs with the regulations
20 adopted by the Secretary of Health and Mental Hygiene for licensing these programs to
21 operate in the State.

22 (F) (1) THE DIRECTOR SHALL ESTABLISH A SENIOR CENTER PLUS
23 PROGRAM TO PROVIDE A SUPERVISED DAY PROGRAM FOR THE FRAIL ELDERLY IN
24 A NONRESIDENTIAL SETTING.

25 (2) THE DIRECTOR SHALL INSURE THAT THE PROGRAM PROVIDES AT
26 LEAST 4 HOURS OF ORGANIZED ACTIVITIES, INCLUDING CRAFTS, MUSIC AND
27 MOVEMENT, REALITY ORIENTATION, AND AT LEAST ONE MEAL THAT MEETS CHILD
28 AND ADULT CARE FEEDING PROGRAM STANDARDS AS ESTABLISHED BY THE
29 UNITED STATES DEPARTMENT OF AGRICULTURE.

30 (3) THE DIRECTOR MAY ADOPT REGULATIONS TO GOVERN THE
31 OPERATION OF THE SENIOR CENTER PLUS PROGRAM.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1997.