
By: Senator Hollinger

Introduced and read first time: January 27, 1997

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 21, 1997

CHAPTER ____

1 AN ACT concerning

2 **Assisted Living Programs - Resident Property**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to adopt
4 regulations for the management of resident property by assisted living programs;
5 providing that certain provisions are not applicable to assisted living programs; and
6 generally relating to assisted living programs.

7 ~~BY repealing and reenacting, with amendments,~~
8 ~~Article - Health - General~~
9 ~~Section 19-346(b)~~
10 ~~Annotated Code of Maryland~~
11 ~~(1996 Replacement Volume and 1996 Supplement)~~

12 BY repealing and reenacting, with amendments,
13 Article - Health - General
14 Section 19-1805(b)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1996 Supplement)
17 (As enacted by Chapter 147 of the Acts of the General Assembly of 1996)

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

20 **Article - Health - General**

21 ~~49-346.~~

22 ~~(b) (1) This section provides rights and remedies in addition to, and not in~~
23 ~~derogation of, any right or remedy that a resident of a facility has under any other law.~~

1 ~~(2) THIS SECTION DOES NOT APPLY TO ASSISTED LIVING PROGRAMS~~
2 ~~UNDER SUBTITLE 18 OF THIS TITLE.~~

3 19-1805.

4 (b) (1) The Department, in consultation with representatives of the affected
5 industry and advocates for residents of the facilities and with the approval of the Office
6 on Aging and the Department of Human Resources, shall adopt regulations to implement
7 this subtitle.

8 (2) The regulations adopted under paragraph (1) of this subsection shall:

9 (i) Provide for the licensing of assisted living programs and the
10 renewal of licenses;

11 (ii) Require the Secretary to charge fees in a manner that will produce
12 funds not to exceed the actual direct and indirect costs to the Department for inspecting
13 assisted living program facilities and maintaining the licensure program for assisted living
14 programs under this subtitle; ~~and~~

15 (iii) Require the Department, during a survey or other inspection of an
16 assisted living program, to review the number of waivers granted to the program under
17 subsection (a)(3) of this section and determine whether a change in the program's
18 licensure status is warranted; ~~AND~~

19 ~~(IV) PROVIDE REQUIREMENTS FOR THE MANAGEMENT OF~~
20 ~~RESIDENT PROPERTY ENTRUSTED TO THE ASSISTED LIVING PROGRAM.~~

21 (3) (I) THE PROVISIONS OF § 19-346(D)(2) AND (3), (E), (F), (G), (H), AND
22 (I) OF THIS TITLE DO NOT APPLY TO AN ASSISTED LIVING PROGRAM LICENSED
23 UNDER THIS SUBTITLE.

24 (II) THE DEPARTMENT SHALL INCLUDE IN THE REGULATIONS
25 ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION REQUIREMENTS FOR THE
26 MANAGEMENT OF RESIDENT PROPERTY ENTRUSTED TO THE ASSISTED LIVING
27 PROGRAM.

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