
By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: January 28, 1998

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 1998

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
5 programs; providing that certain provisions are not applicable to assisted living
6 programs if certain regulations have been adopted; requiring the Department to
7 report to certain committees of the General Assembly at a certain time;
8 providing for the termination of this Act; and generally relating to assisted
9 living programs.

10 BY repealing and reenacting, with amendments,
11 Article - Health - General
12 Section 19-346(b) and 19-1805(b)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1997 Supplement)

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

17 **Article - Health - General**

18 19-346.

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

1 (2) SUBSECTIONS (D)(2) AND (3), (E), (F), (G), (H), (I), AND (K) OF THIS
2 SECTION DO NOT APPLY TO ASSISTED LIVING PROGRAMS UNDER SUBTITLE 18 OF
3 THIS TITLE IF REGULATIONS HAVE BEEN ADOPTED FOR THE MANAGEMENT OF
4 RESIDENT PROPERTY ENTRUSTED TO THE ASSISTED LIVING PROGRAM PURSUANT
5 TO § 19-1805(B)(2)(IV) OF THIS TITLE.

6 19-1805.

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

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

12 (i) Provide for the licensing of assisted living programs and the
13 renewal of licenses;

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

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

22 (IV) INCLUDE REQUIREMENTS FOR THE MANAGEMENT OF
23 RESIDENT PROPERTY ENTRUSTED TO THE ASSISTED LIVING PROGRAM.

24 SECTION 2. AND BE IT FURTHER ENACTED, That, in accordance with §
25 2-1246 of the State Government Article, the Department of Health and Mental
26 Hygiene shall report to the House Environmental Matters Committee and the Senate
27 Economic and Environmental Affairs Committee, on or before January 1, 1999, on
28 any regulations adopted or proposed by the Department for the management of
29 property of residents of assisted living facilities.

30 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect October 1, 1998. It shall remain in effect for a period of 2 years and, at the end
32 of September 30, 2000, with no further action required by the General Assembly, this
33 Act shall be abrogated and of no further force or effect.

