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By: **Delegate Frush**

Introduced and read first time: March 2, 1998

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living - Aggrieved Parties - Hearings and Appeals**

3 FOR the purpose of authorizing certain persons aggrieved by certain action or  
4 inaction of the Department of Health and Mental Hygiene under the assisted  
5 living program to request a certain informal hearing before a designee of the  
6 Secretary of Health and Mental Hygiene; establishing a certain time period  
7 within which certain persons may request a certain informal hearing;  
8 authorizing certain persons to request the Secretary to review a decision made  
9 at a certain informal hearing; requiring the Secretary, after receiving a certain  
10 request for review, to conduct a review in accordance with the contested case  
11 requirements of the State Administrative Procedures Act; authorizing certain  
12 persons to make a certain judicial appeal; and generally relating to certain  
13 hearings and appeals under the assisted living program of the Department of  
14 Health and Mental Hygiene.

15 BY adding to  
16 Article - Health - General  
17 Section 19-1806 and 19-1807  
18 Annotated Code of Maryland  
19 (1996 Replacement Volume and 1997 Supplement)

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

22 **Article - Health - General**

23 19-1806.

24 (A) (1) AN INDIVIDUAL, OR AN AGENT OF THE INDIVIDUAL, WHO IS  
25 AGGRIEVED BY THE DEPARTMENT'S ACTION OR INACTION UNDER THIS SUBTITLE  
26 MAY REQUEST AN INFORMAL HEARING BEFORE THE SECRETARY'S DESIGNEE IF THE  
27 ACTION OR INACTION:

28 (I) DETERMINES THE LEVEL OF CARE THAT A LICENSEE MAY  
29 PROVIDE;

1 (II) DETERMINES THE LEVEL OF CARE THAT AN INDIVIDUAL  
2 NEEDS; OR

3 (III) DENIES AN APPLICATION FOR A WAIVER UNDER § 19-1805(A)(3)  
4 OF THIS SUBTITLE.

5 (2) AN INDIVIDUAL OR THE INDIVIDUAL'S AGENT MAY REQUEST AN  
6 INFORMAL HEARING AFTER DEPARTMENT ACTION OR 10 DAYS AFTER THE DAY ON  
7 WHICH THE DEPARTMENT RECEIVES A REQUEST FOR:

8 (I) A DETERMINATION OF THE LEVEL OF CARE THAT A LICENSEE  
9 MAY PROVIDE;

10 (II) A DETERMINATION OF THE LEVEL OF CARE THAT AN  
11 INDIVIDUAL NEEDS; OR

12 (III) A WAIVER UNDER § 19-1805 (A)(3) OF THIS SUBTITLE.

13 (B) (1) AN INDIVIDUAL OR THE INDIVIDUAL'S AGENT MAY REQUEST THE  
14 SECRETARY TO REVIEW A DECISION MADE AT AN INFORMAL HEARING UNDER THIS  
15 SECTION.

16 (2) IF THE SECRETARY RECEIVES A REQUEST TO REVIEW A DECISION  
17 MADE AT AN INFORMAL HEARING, THE SECRETARY SHALL CONDUCT THE REVIEW IN  
18 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

19 19-1807.

20 AN INDIVIDUAL, OR AN AGENT OF THE INDIVIDUAL, WHO IS AGGRIEVED UNDER  
21 THIS SUBTITLE BY A FINAL DECISION OF THE SECRETARY IN A CONTESTED CASE, AS  
22 DEFINED IN § 10-202 OF THE STATE GOVERNMENT ARTICLE, MAY TAKE AN APPEAL  
23 AS ALLOWED IN § 10-222 OF THE STATE GOVERNMENT ARTICLE.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1998.