
By: **Senators Teitelbaum, Sfikas, McFadden, Conway, and Blount**
Introduced and read first time: February 6, 1998
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs - Levels of Care**

3 FOR the purpose of requiring that the Department of Health and Mental Hygiene
4 ensure that assisted living programs are restricted by a certain percentage in
5 providing care to residents who are beyond the highest level of care for which
6 the program is licensed by the State; requiring the Department to include in
7 regulations a certain provision; and generally relating to the level of care of
8 assisted living program residents.

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

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

16 **Article - Health - General**

17 19-1805.

18 (a) The Department shall:

19 (1) Define different levels of assisted living according to the level of care
20 provided;

21 (2) Require all assisted living programs to be licensed to operate
22 according to the level of the program;

23 (3) Develop a waiver process for authorizing an assisted living program
24 to continue to care for an individual whose medical or functional condition has
25 changed since admission to the program to an extent that the level of care required by
26 the individual exceeds the level of care for which the program is licensed;

1 (4) ENSURE THAT NO MORE THAN 20% OF ASSISTED LIVING PROGRAM
2 RESIDENTS ARE BEYOND THE LEVEL OF CARE FOR WHICH THE ASSISTED LIVING
3 PROGRAM IS LICENSED TO OPERATE IN THE STATE;

4 [(4)] (5) Promote affordable and accessible assisted living programs
5 throughout the State;

6 [(5)] (6) Establish and enforce quality standards for assisted living
7 programs;

8 [(6)] (7) Require periodic inspections of assisted living program
9 facilities;

10 [(7)] (8) Establish requirements for the qualifications or training or both
11 of assisted living program employees;

12 [(8)] (9) Establish a "resident bill of rights" for residents of assisted
13 living program facilities; and

14 [(9)] (10) Define which, if any, assisted living programs may be exempt
15 from the requirements of § 19-311 of this title.

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

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

21 (i) Provide for the licensing of assisted living programs and the
22 renewal of licenses;

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

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

31 (IV) REQUIRE THAT NO MORE THAN 20% OF RESIDENTS IN AN
32 ASSISTED LIVING PROGRAM MAY BE BEYOND THE HIGHEST LEVEL OF CARE FOR
33 WHICH THE ASSISTED LIVING PROGRAM IS LICENSED TO OPERATE IN THE STATE.

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