

SENATE BILL 722

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1998 Regular Session
(8lr2263)

ENROLLED BILL
-- Finance/Environmental Matters --

Introduced by ~~Senator Madden~~ **Senators Madden, Derr, Hafer, Kelley,
Roesser, Teitelbaum, and Trotter**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Assisted Living Programs - Small Facilities**

3 FOR the purpose of prohibiting, before a certain date, the Secretary of Health and
4 Mental Hygiene from ~~implementing or enforcing~~ imposing sanctions under the
5 provisions of Chapter 147 of the Acts of 1996, relating to assisted living
6 programs, or any regulations adopted under Chapter 147 of 1996, with respect
7 to assisted living programs that provide services to a certain number of or fewer
8 individuals unless certain circumstances have occurred; authorizing the
9 Department of Health and Mental Hygiene to require certain assisted living
10 programs to notify the Department of problems encountered in implementing
11 certain regulations; requiring the Department to provide certain technical
12 assistance to certain assisted living programs under certain circumstances;
13 requiring the Department to make a certain report to the General Assembly;
14 and relating generally to assisted living programs.

1

Preamble

2 WHEREAS, When Chapter 147 of the Acts of the General Assembly of 1996
3 was enacted to require the Department of Health and Mental Hygiene (DHMH) to be
4 the lead agency for regulating assisted living programs, Section 2 of the Act, an
5 uncodified provision, required the Department, with the approval of the Department
6 of Human Resources and the Office on Aging, to adopt regulations for the operation
7 and licensing of assisted living programs according to the level of services provided by
8 the programs; and

9 WHEREAS, Under the 1996 Act, the deadline for DHMH to adopt the
10 regulations was October 1, 1997, a deadline that was finally met on February 3, 1998;
11 and

12 WHEREAS, The General Assembly declares that Assisted Living Programs
13 providing services to ~~eight~~ 15 or fewer individuals require additional time, resources,
14 and technical assistance in order to come into compliance with the new regulations
15 adopted by DHMH, now, therefore,

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That, notwithstanding any provision of Chapter 147 of the Acts of the
18 General Assembly of 1996, the Secretary of Health and Mental Hygiene, prior to July
19 1, 1999, may not ~~implement or enforce any provision of~~ impose any sanctions under
20 that Act, or any regulation adopted under it, with respect to an assisted living
21 program, as defined in § 19-801 of the Health - General Article, that provides
22 services to ~~eight~~ 15 or fewer individuals, unless the actions of an assisted living
23 program that provides services to ~~eight~~ 15 or fewer individuals have: (1) caused actual
24 physical or emotional harm to a resident in the program; or (2) placed a resident in
25 the program at ~~serious~~ risk of physical or emotional harm.

26 SECTION 2. AND BE IT FURTHER ENACTED, That:

27 (a) The Department of Health and Mental Hygiene may require any
28 assisted living program that provides services to 15 or fewer individuals to notify the
29 Department of significant difficulties encountered by the program in implementing
30 the regulations adopted under Chapter 147 of the Acts of the General Assembly of
31 1996; and

32 (b) Upon receipt of notification under subsection (a) of this section, the
33 Department shall provide to the assisted living program providing the notice
34 technical assistance regarding compliance with the regulations.

35 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1,~~
36 ~~1999, the Department of Health and Mental Hygiene, in accordance with § 2-1246 of~~
37 ~~the State Government Article, shall report to the General Assembly regarding the~~
38 ~~financial impacts on assisted living programs that provide services to 15 or fewer~~
39 ~~individuals of complying with the regulations adopted under Chapter 147 of the Acts~~
40 ~~of the General Assembly of 1996.~~

1 SECTION 3. AND BE IT FURTHER ENACTED, That before January 1, 1999,
2 the Department of Health and Mental Hygiene shall report, in accordance with §
3 2-1246 of the State Government Article, to the General Assembly on the
4 implementation of the regulations adopted under Chapter 147 of the Acts of the
5 General Assembly of 1996. The report shall include:

6 (1) the financial impact that the regulations will have on assisted living
7 programs providing services to 15 or fewer individuals;

8 (2) the efforts made by the Department of Health and Mental Hygiene, the
9 Office on Aging, and the Department of Human Resources to work with local
10 governments on issues affecting assisted living programs; and

11 (3) the impact the level of care waiver provision has on the health care
12 industry including the safety of the residents affected by the granting of a level of care
13 waiver.

14 SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
15 effect June 1, 1998.