
By: **Senator Madden**

Introduced and read first time: February 18, 1998

Assigned to: Rules

A BILL ENTITLED

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 the provisions of Chapter 147
5 of the Acts of 1996, relating to assisted living programs, or any regulations
6 adopted under Chapter 147 of 1996, with respect to assisted living programs
7 that provide services to a certain number of or fewer individuals unless certain
8 circumstances have occurred; and relating generally to assisted living programs.

9 Preamble

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

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

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

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That, notwithstanding any provision of Chapter 147 of the Acts of the
26 General Assembly of 1996, the Secretary of Health and Mental Hygiene, prior to July
27 1, 1999, may not implement or enforce any provision of that Act, or any regulation
28 adopted under it, with respect to an assisted living program, as defined in § 19-801 of
29 the Health - General Article, that provides services to eight or fewer individuals,
30 unless the actions of an assisted living program that provides services to eight or
31 fewer individuals have: (1) caused actual physical or emotional harm to a resident in

1 the program; or (2) placed a resident in the program at serious risk of physical or
2 emotional harm.

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