

---

By: ~~Senator Madden~~ **Senators Madden, Derr, Hafer, Kelley, Roesser,  
Teitelbaum, and Trotter**

Introduced and read first time: February 18, 1998

Assigned to: Rules

Re-referred to: Finance, February 25, 1998

---

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 26, 1998

---

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.

15 Preamble

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

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

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

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That, notwithstanding any provision of Chapter 147 of the Acts of the  
10 General Assembly of 1996, the Secretary of Health and Mental Hygiene, prior to July  
11 1, 1999, may not ~~implement or enforce any provision of~~ impose any sanctions under  
12 that Act, or any regulation adopted under it, with respect to an assisted living  
13 program, as defined in § 19-801 of the Health - General Article, that provides  
14 services to ~~eight~~ 15 or fewer individuals, unless the actions of an assisted living  
15 program that provides services to ~~eight~~ 15 or fewer individuals have: (1) caused actual  
16 physical or emotional harm to a resident in the program; or (2) placed a resident in  
17 the program at serious risk of physical or emotional harm.

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

19 (a) The Department of Health and Mental Hygiene may require any  
20 assisted living program that provides services to 15 or fewer individuals to notify the  
21 Department of significant difficulties encountered by the program in implementing  
22 the regulations adopted under Chapter 147 of the Acts of the General Assembly of  
23 1996; and

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

27 SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1,  
28 1999, the Department of Health and Mental Hygiene, in accordance with § 2-1246 of  
29 the State Government Article, shall report to the General Assembly regarding the  
30 financial impacts on assisted living programs that provide services to 15 or fewer  
31 individuals of complying with the regulations adopted under Chapter 147 of the Acts  
32 of the General Assembly of 1996.

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

