

SENATE BILL 145

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1999 Regular Session
9r0602
CF 9r0762

By: **Senators Kelley, Kasemeyer, Exum, Roesser, Teitelbaum, Bromwell,
Hooper, and Dorman**

Introduced and read first time: January 26, 1999

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs - Continuing Care Communities - Requirements**

3 FOR the purpose of specifying that certain assisted living programs are not required
4 to execute an assisted living resident agreement in addition to a continuing care
5 agreement or provide certain separate disclosures under certain circumstances;
6 specifying that certain continuing care agreements are not required to contain
7 certain contract provisions that are applicable to certain assisted living
8 programs under certain circumstances; specifying that certain resident
9 transfers from certain assisted living programs may not be considered a
10 relocation or discharge from the assisted living program for the purpose of
11 triggering certain regulatory requirements; providing for the application of this
12 Act; defining certain terms; and generally relating to specifying certain
13 requirements for assisted living programs that provide assisted living program
14 services as part of a continuum of care.

15 BY adding to
16 Article - Health - General
17 Section 19-1806
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1998 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) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) "CONTINUING CARE" HAS THE MEANING STATED IN ARTICLE 70B OF
27 THE CODE.

1 (3) "CONTINUING CARE AGREEMENT" HAS THE MEANING STATED IN
2 ARTICLE 70B OF THE CODE.

3 (B) THIS SECTION APPLIES TO ASSISTED LIVING PROGRAMS THAT OFFER
4 ASSISTED LIVING PROGRAM SERVICES AS PART OF A CONTINUUM OF CARE IN
5 ACCORDANCE WITH A CONTINUING CARE AGREEMENT.

6 (C) (1) AN ASSISTED LIVING PROGRAM SUBJECT TO THIS SECTION IS NOT
7 REQUIRED TO EXECUTE A SEPARATE ASSISTED LIVING RESIDENT AGREEMENT THAT
8 IS IN ADDITION TO THE CONTINUING CARE AGREEMENT.

9 (2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION,
10 REFERENCES TO A RESIDENT AGREEMENT IN ANY REGULATIONS ADOPTED UNDER
11 THIS SUBTITLE SHALL MEAN THE CONTINUING CARE AGREEMENT.

12 (D) A CONTINUING CARE AGREEMENT THAT INCLUDES AN ASSISTED LIVING
13 PROGRAM SUBJECT TO THIS SECTION IS NOT REQUIRED TO CONTAIN GENERAL OR
14 SPECIFIC CONTRACT PROVISIONS THAT APPLY TO ASSISTED LIVING PROGRAMS
15 THAT ARE NOT SUBJECT TO THIS SECTION.

16 (E) (1) IN ADDITION TO SUBSECTION (C) OF THIS SECTION, AN ASSISTED
17 LIVING PROGRAM SUBJECT TO THIS SECTION IS NOT REQUIRED TO PROVIDE A
18 DISCLOSURE STATEMENT RELATING TO ITS ASSISTED LIVING PROGRAM SEPARATE
19 FROM ANY DISCLOSURE STATEMENT REQUIRED BY ARTICLE 70B OF THE CODE FOR
20 CONTINUING CARE.

21 (2) ANY DISCLOSURE STATEMENT REQUIRED TO BE PROVIDED TO A
22 RESIDENT UNDER ARTICLE 70B OF THE CODE SHALL INCLUDE INFORMATION THAT
23 IS REQUIRED TO BE DISCLOSED BY AN ASSISTED LIVING PROGRAM IN ACCORDANCE
24 WITH THIS SUBTITLE.

25 (F) A TRANSFER OF A RESIDENT FROM AN ASSISTED LIVING PROGRAM
26 SUBJECT TO THIS SECTION TO ANOTHER ASSISTED LIVING OR CONTINUING CARE
27 ARRANGEMENT GOVERNED BY THE SAME CONTINUING CARE AGREEMENT MAY NOT
28 BE CONSIDERED A RELOCATION OR DISCHARGE FROM THE ASSISTED LIVING
29 PROGRAM FOR PURPOSES OF TRIGGERING ANY REGULATORY REQUIREMENTS
30 ADOPTED UNDER THIS SUBTITLE FOR MATTERS RELATING TO NOTICE, FINANCIAL
31 ACCOUNTING, OR REFUNDS.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 June 1, 1999.