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By: **Senators Van Hollen and Hollinger**  
Introduced and read first time: February 22, 1999  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Department of Health and Mental Hygiene - Assisted Living Programs -**  
3 **Report**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
5 submit a certain annual report on or before a certain date to the Chairman of  
6 the Senate Economic and Environmental Affairs Committee, the Chairman of  
7 the House Environmental Matters Committee, and the Cochairs of the Joint  
8 Committee on Administrative, Executive, and Legislative Review; specifying the  
9 content of the report as it relates to certain resident-specific waiver authority of  
10 the Department under the State assisted living programs; and generally  
11 relating to the State assisted living programs.

12 BY repealing and reenacting, without amendments,  
13 Article - Health - General  
14 Section 1-101(a) and (c)  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1998 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article - Health - General  
19 Section 19-1805  
20 Annotated Code of Maryland  
21 (1996 Replacement Volume and 1998 Supplement)

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

24 **Article - Health - General**

25 1-101.

26 (a) In this article the following words have the meanings indicated.

27 (c) "Department" means the Department of Health and Mental Hygiene.

1 19-1805.

2 (a) The Department shall:

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

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

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

11 (4) Promote affordable and accessible assisted living programs  
12 throughout the State;

13 (5) Establish and enforce quality standards for assisted living programs;

14 (6) Require periodic inspections of assisted living program facilities;

15 (7) Establish requirements for the qualifications or training or both of  
16 assisted living program employees;

17 (8) Establish a "resident bill of rights" for residents of assisted living  
18 program facilities; and

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

21 (B) (1) IN THIS SUBSECTION, "LEVEL OF CARE 3 PLUS WAIVER" MEANS A  
22 RESIDENT-SPECIFIC WAIVER GRANTED BY THE DEPARTMENT UNDER COMAR  
23 10.07.14.10 FOR AN INDIVIDUAL WHO RESIDES IN AN ASSISTED LIVING FACILITY  
24 LICENSED BY THE DEPARTMENT AND WHO IS WITHIN ONE OR MORE OF THE  
25 CATEGORIES SPECIFIED IN COMAR 10.07.14.10(J).

26 (2) ON OR BEFORE DECEMBER 15 OF EACH YEAR, THE DEPARTMENT  
27 SHALL SUBMIT A REPORT CONCERNING ITS EXPERIENCE WITH LEVEL OF CARE 3  
28 PLUS WAIVERS FOR THE PRECEDING 12-MONTH PERIOD THAT ENDS ON NOVEMBER  
29 30.

30 (3) THE DEPARTMENT SHALL SUBMIT THE REPORT TO:

31 (I) THE CHAIRMAN OF THE SENATE ECONOMIC AND  
32 ENVIRONMENTAL AFFAIRS COMMITTEE;

33 (II) THE CHAIRMAN OF THE HOUSE ENVIRONMENTAL MATTERS  
34 COMMITTEE;

35 (III) THE CHAIRMAN OF THE SENATE FINANCE COMMITTEE;

1 (IV) THE CHAIRMAN OF THE HOUSE ECONOMIC MATTERS  
2 COMMITTEE; AND

3 (V) THE COCHAIRS OF THE JOINT COMMITTEE ON  
4 ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

5 (4) FOR EACH AND ALL ASSISTED LIVING FACILITIES, THE REPORT  
6 SHALL INCLUDE:

7 (I) THE TOTAL NUMBER OF LEVEL OF CARE 3 PLUS WAIVERS  
8 REQUESTED FROM AND TOTAL GRANTED BY THE DEPARTMENT;

9 (II) THE DURATION OF EACH LEVEL OF CARE 3 PLUS WAIVER AND  
10 THE AVERAGE DURATION OF ALL LEVEL OF CARE 3 PLUS WAIVERS GRANTED BY THE  
11 DEPARTMENT;

12 (III) THE TOTAL NUMBER OF RESIDENTS WHO WERE GRANTED A  
13 LEVEL OF CARE 3 PLUS WAIVER BY THE DEPARTMENT AND REMAINED AT THEIR  
14 ASSISTED LIVING FACILITY UNDER THAT WAIVER; AND

15 (IV) THE TOTAL NUMBER OF RESIDENTS WHO WERE GRANTED A  
16 LEVEL OF CARE 3 PLUS WAIVER AND WERE SUBSEQUENTLY TRANSFERRED.

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

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

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

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

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

32 (iv) Include requirements for the management of resident property  
33 entrusted to the assisted living program.

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 1999.