

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE

House Bill 685 (Delegate Nathan-Pulliam. *et al.*)

Environmental Matters

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Health - Assisted Living Programs - Regulation

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This bill requires the Secretary of the Department of Health and Mental Hygiene (DHMH) to issue a provisional license to an entity that applies for an assisted living program license before February 1, 2001, if the department determines that the applicant has not been cited for any life-threatening deficiencies. A provisional license will be issued if the applicant was licensed or certified as an assisted living facility as of December 31, 1998, or the applicant was registered as a domiciliary care facility with less than five beds as of December 31, 1998.

A "medication management review" must be performed by a registered nurse once every 90 days for each licensed assisted living program with less than 17 beds. If a minimum of 50% of the residents of an assisted living program have monthly incomes of less than \$900 each, the local health department must provide the required medication management reviews at no cost to the program. These regulations are to be adopted by October 1, 2004.

The bill also makes exemptions from Board of Nursing certification for workers at a facility who do not regularly perform delegated nursing functions, allows for the provider and the provider's immediate family to be considered exempt when applying for various county permits, and clarifies that a boarding house where unrelated individuals live together, but do not need assisted living services, is not an "assisted living program."

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Fiscal Summary

**State Effect:** The bill would not change State activities or operations.

**Local Effect:** Expenditures increase to the extent that local health departments are required to provide medication management reviews every 90 days for assisted living programs with low-income residents. The increase depends on the number of applicable facilities and

individuals which cannot be reliably estimated at this time.

**Small Business Effect:** Potential minimal positive impact to applicable small businesses and those entering the industry.

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## Analysis

**Bill Summary:** Current law requires that an individual must be certified by the State Board of Nursing to practice as a nursing assistant. This bill provides an exception for an individual providing assistance with activities of daily living in an assisted living program, unless the individual routinely performs delegated nursing functions. The bill also requires that when a county is making a zoning, special use, or occupancy permit determination for an assisted living program with less than six beds, the following are not to be considered as facility occupants: (1) the facility provider; or (2) the members of the providers' immediate family who live at the facility and need assisted living services.

**Current Law:** Chapter 147 of 1966 consolidated various types of community-based assisted living facilities and gave DHMH authority to regulate these programs. Regulations pursuant to Chapter 147 took effect January 1, 1999, but related sanctions on small assisted living facilities are not to be imposed by DHMH until July 1, 2000, unless a resident's physical or emotional health has been harmed or jeopardized. Provisional licenses are not addressed, but are proposed as a way to facilitate inspections and to assist in the attainment of full licensure of as many facilities as possible in a timely manner.

**State Effect:** License fees paid by assisted living facilities are \$25 for a facility with fewer than 17 beds. There will be no change in the fee structure for the proposed provisional licenses. There are an estimated 2,500 facilities statewide which could be defined as assisted living facilities. Licenses have been issued to 1,433 facilities under current law and regulations, of which 1,315 have 16 or fewer beds. Overall, revenues and expenditures would not be affected by the provisions of this bill.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 576 (Senator Kelley, *et al.*) - Finance.

**Information Source(s):** Department of Health and Mental Hygiene (Office of Health Care Quality, Community and Public Health), Department of Aging, Department of Legislative

Services

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