

BY: Health and Government Operations

AMENDMENTS TO HOUSE BILL NO. 824

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and V. Turner” and substitute “V. Turner, Hurson, Hammen, Boutin, Bromwell, Costa, Donoghue, Elliott, Haynes, McDonough, Morhaim, Murray, Nathan-Pulliam, Oaks, Pendergrass, Redmer, Rosenberg, Rudolph, Smigiel, and Weldon”.

AMENDMENT NO. 2

On page 1, in line 3, strike “and Managers”; in line 4, strike “requiring” and substitute “authorizing”; strike beginning with “establish” in line 5 down through “regulations;” in line 14 and substitute “accept all or part of a certain accrediting report as meeting the State licensing requirements for the renewal of a license to operate an assisted living facility program; prohibiting the Department from accepting all or part of a certain accrediting report as meeting the State licensing requirements for an initial license to operate an assisted living facility program; requiring an assisted living facility program to submit a certain report to the Department within a certain time period; requiring a certain report to be made available to the public on request; authorizing the Secretary of Health and Mental Hygiene to inspect certain assisted living facility programs for certain purposes;”; strike beginning with “develop” in line 15 down through “services” in line 16 and substitute “conduct a certain review, study certain costs, and consider certain reimbursement options”; in line 17, after “date;” insert “requiring the Department to conduct a certain evaluation and submit a certain report to certain committees of the General Assembly on or before a certain date; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act;”; in line 18, strike “and managers”; in line 22, strike “19-1805(a)” and substitute “19-1805”; after line 24, insert:

“BY repealing and reenacting, with amendments,

Article - Health - General

Section 19-1805

Annotated Code of Maryland

(Over)

(2000 Replacement Volume and 2002 Supplement)

(As enacted by Chapter 195 of the Acts of the General Assembly of 1999)”;

and strike in their entirety lines 25 through 29, inclusive.

AMENDMENT NO. 3

On page 2, in line 22, strike “; AND” and substitute a period.

On pages 2 and 3, strike in their entirety the lines beginning with line 23 on page 2 through line 14 on page 3, inclusive.

AMENDMENT NO. 4

On page 3, after line 14, insert:

“(B) (1) (I) THE SECRETARY MAY ACCEPT ALL OR PART OF A REPORT OF AN APPROVED ACCREDITING ORGANIZATION AS MEETING THE STATE LICENSING REQUIREMENTS FOR THE RENEWAL OF A LICENSE TO OPERATE AN ASSISTED LIVING FACILITY PROGRAM.

(II) THE SECRETARY MAY NOT ACCEPT ALL OR PART OF A REPORT OF AN APPROVED ACCREDITING ORGANIZATION AS MEETING THE STATE LICENSING REQUIREMENTS FOR AN INITIAL LICENSE TO OPERATE AN ASSISTED LIVING FACILITY PROGRAM.

(2) (I) THE ASSISTED LIVING FACILITY PROGRAM SHALL SUBMIT THE REPORT OF AN ACCREDITING ORGANIZATION TO THE SECRETARY WITHIN 30 DAYS OF THE RECEIPT OF THE REPORT BY THE ASSISTED LIVING FACILITY PROGRAM.

(II) THE REPORT OF AN ACCREDITING ORGANIZATION USED BY THE DEPARTMENT AS MEETING THE STATE LICENSING REQUIREMENTS FOR RENEWAL OF A LICENSE TO OPERATE AN ASSISTED LIVING FACILITY PROGRAM SHALL BE MADE AVAILABLE TO THE PUBLIC ON REQUEST.

(3) THE SECRETARY MAY INSPECT AN ASSISTED LIVING FACILITY PROGRAM TO:

(I) INVESTIGATE A COMPLAINT;

(II) FOLLOW UP ON A SERIOUS PROBLEM IDENTIFIED BY AN APPROVED ACCREDITING ORGANIZATION; OR

(III) VALIDATE FINDINGS OF AN APPROVED ACCREDITING ORGANIZATION.

[(b)] (C) (1) In this subsection, “level of care 3 plus waiver” means a resident-specific waiver granted by the Department under COMAR 10.07.14.10 for an individual who resides in an assisted living facility licensed by the Department and who is within one or more of the categories specified in COMAR 10.07.14.10(j).

(2) On or before December 15 of each year, the Department shall submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly, a report concerning its experience with level of care 3 plus waivers for the preceding 12-month period that ends on November 30.

(3) For each and all assisted living facilities, the report shall include:

(i) The total number of level of care 3 plus waivers requested from and total granted by the Department;

(ii) The duration of each level of care 3 plus waiver and the average duration of all level of care 3 plus waivers granted by the Department;

(iii) The total number of residents who were granted a level of care 3 plus waiver by the Department and remained at their assisted living facility under that waiver; and

(iv) The total number of residents who were granted a level of care 3 plus waiver and were subsequently transferred.

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

(Over)

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

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

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

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

(iv) Require an assisted living program facility to post in a conspicuous place visible to actual and potential residents of the facility and other interested parties:

1. A. Its statement of deficiencies for the most recent survey;
B. Any subsequent complaint investigations conducted by federal, State, or local surveyors; and
C. Any plans of correction in effect with respect to the survey or complaint investigation; or
2. A notice of the location, within the facility, of the items listed in item 1 of this item.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Health - General

19-1805.

(a) The Department shall:

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

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

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

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

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

(6) Require periodic inspections of assisted living program facilities, including at least an annual unannounced on-site inspection;

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

(8) Establish a “resident bill of rights” for residents of assisted living program facilities; and

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

(B) (1) (I) THE SECRETARY MAY ACCEPT ALL OR PART OF A REPORT

(Over)

OF AN APPROVED ACCREDITING ORGANIZATION AS MEETING THE STATE LICENSING REQUIREMENTS FOR RENEWAL OF A LICENSE TO OPERATE AN ASSISTED LIVING FACILITY PROGRAM.

(II) THE SECRETARY MAY NOT ACCEPT ALL OR PART OF A REPORT OF AN APPROVED ACCREDITING ORGANIZATION AS MEETING THE STATE LICENSING REQUIREMENTS FOR AN INITIAL LICENSE TO OPERATE AN ASSISTED LIVING FACILITY PROGRAM.

(2) (I) THE ASSISTED LIVING FACILITY PROGRAM SHALL SUBMIT THE REPORT OF AN ACCREDITING ORGANIZATION TO THE SECRETARY WITHIN 30 DAYS OF THE RECEIPT OF THE REPORT BY THE ASSISTED LIVING FACILITY PROGRAM.

(II) THE REPORT OF AN ACCREDITING ORGANIZATION USED BY THE DEPARTMENT AS MEETING THE STATE LICENSING REQUIREMENTS FOR RENEWAL OF A LICENSE TO OPERATE AN ASSISTED LIVING FACILITY PROGRAM SHALL BE MADE AVAILABLE TO THE PUBLIC ON REQUEST.

(3) THE SECRETARY MAY INSPECT AN ASSISTED LIVING FACILITY PROGRAM TO:

(I) INVESTIGATE A COMPLAINT;

(II) FOLLOW UP ON A SERIOUS PROBLEM IDENTIFIED BY AN APPROVED ACCREDITING ORGANIZATION; OR

(III) VALIDATE FINDINGS OF AN APPROVED ACCREDITING ORGANIZATION.

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

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

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

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

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

(iv) Require an assisted living program facility to post in a conspicuous place visible to actual and potential residents of the facility and other interested parties:

1. A. Its statement of deficiencies for the most recent survey;
 - B. Any subsequent complaint investigations conducted by federal, State, or local surveyors; and
 - C. Any plans of correction in effect with respect to the survey or complaint investigation; or
2. A notice of the location, within the facility, of the items listed in item 1 of this item."

AMENDMENT NO. 5

On page 3, in line 15, strike "2." and substitute "3."; in line 17, strike "develop a methodology to establish" and substitute "review its current payment rates, study the costs of providing services, and consider reimbursement options including"; in line 19, strike "this methodology" and substitute "its findings"; after line 21, insert:

(Over)

“SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall conduct an evaluation of assisted living services in Maryland, in consultation with assisted living consumers and providers, and submit a report, in accordance with § 2-1246 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on or before January 1, 2004. The report shall include recommendations relating to:

- (a) small and large providers of assisted living facilities;
- (b) the certification of assisted living facility managers; and
- (c) quality standards for specialized assisted living facilities, including facilities with Alzheimer’s units.”;

in line 22, strike “3.” and substitute “5.”; in the same line, after “That” insert “Section 1 of”; and in line 23, after the period insert “It shall remain effective until the taking effect of Section 2 of this Act. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and of no further force and effect.”

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2004, the effective date of Chapter 195 of the Acts of the General Assembly of 1999. If the effective date of Chapter 195 is amended, Section 2 of this Act shall take effect on the taking effect of Chapter 195.

SECTION 7. AND BE IT FURTHER ENACTED, That, subject to the provisions of Sections 5 and 6 of this Act, this Act shall take effect October 1, 2003.”.