
By: **Delegates Mandel, Benson, Goldwater, Hubbard, and V. Turner**
Introduced and read first time: February 7, 2003
Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Facilities - Certification - Third Party Accreditation**
3 **Programs and Managers**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to
5 establish and enforce certain standards to certify third party assisted living
6 accreditation programs; requiring certain standards to authorize the acceptance
7 of a certain survey as sufficient for compliance with certain licensure
8 requirements; requiring that a certain survey be available for public review;
9 requiring the assisted living program manager of a certain licensed facility to be
10 certified by the Department; requiring the Department to approve a certain
11 certification curriculum that includes certain training areas; providing that
12 certain uncertified assistant living program managers obtain a certain
13 certification by a certain date; providing for the renewal period of a certain
14 certification; requiring the Department to adopt certain regulations; requiring
15 the Department, in consultation with the assisted living industry to develop a
16 certain methodology based on the actual cost of certain services; requiring the
17 Department to submit a certain report on or before a certain date; and generally
18 relating to the certification of third party accreditation programs and managers
19 of assisted living facilities.

20 BY repealing and reenacting, with amendments,
21 Article - Health - General
22 Section 19-1805(a)
23 Annotated Code of Maryland
24 (2000 Replacement Volume and 2002 Supplement)

25 BY adding to
26 Article - Health - General
27 Section 19-1807
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2002 Supplement)

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

1 **Article - Health - General**

2 19-1805.

3 (a) The Department shall:

4 (1) Define different levels of assisted living according to the level of care
5 provided;6 (2) Require all assisted living programs to be licensed to operate
7 according to the level of the program;8 (3) Develop a waiver process for authorizing an assisted living program
9 to continue to care for an individual whose medical or functional condition has
10 changed since admission to the program to an extent that the level of care required by
11 the individual exceeds the level of care for which the program is licensed;12 (4) Promote affordable and accessible assisted living programs
13 throughout the State;

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

15 (6) Require periodic inspections of assisted living program facilities,
16 including at least an annual unannounced on-site inspection;17 (7) Establish requirements for the qualifications or training or both of
18 assisted living program employees;19 (8) Establish a "resident bill of rights" for residents of assisted living
20 program facilities; [and]21 (9) Define which, if any, assisted living programs may be exempt from
22 the requirements of § 19-311 of this title; AND23 (10) ESTABLISH AND ENFORCE STANDARDS TO CERTIFY THIRD PARTY
24 ASSISTED LIVING ACCREDITATION PROGRAMS THAT:25 (I) AUTHORIZE THE ACCEPTANCE OF THE RESULTS OF A
26 CERTIFIED THIRD PARTY ACCREDITATION SURVEY AS SUFFICIENT FOR
27 COMPLIANCE WITH ASSISTED LIVING PROGRAM LICENSURE REQUIREMENTS; AND28 (II) REQUIRE THE CERTIFIED THIRD PARTY ACCREDITATION
29 SURVEY ACCEPTED BY THE DEPARTMENT TO BE AVAILABLE FOR PUBLIC REVIEW.

30 19-1807.

31 (A) THE ASSISTED LIVING PROGRAM MANAGER FOR A LICENSED FACILITY
32 THAT IS LICENSED FOR GREATER THAN SEVEN BEDS SHALL BE CERTIFIED BY THE
33 DEPARTMENT.

1 (B) (1) THE DEPARTMENT SHALL APPROVE THE ASSISTED LIVING PROGRAM
2 MANAGER CERTIFICATION CURRICULUM THAT INCLUDES THE FOLLOWING
3 TRAINING AREAS:

4 (I) FACILITY MANAGEMENT;

5 (II) CLINICAL AND SOCIAL ASPECTS OF ASSISTED LIVING; AND

6 (III) REGULATORY COMPLIANCE.

7 (2) WHEN REVIEWING CERTIFICATION PROGRAMS, THE DEPARTMENT
8 SHALL CONSIDER THE COSTS TO THE PROVIDER.

9 (C) (1) UNCERTIFIED ASSISTED LIVING PROGRAM MANAGERS SHALL
10 OBTAIN CERTIFICATION BY OCTOBER 1, 2006.

11 (2) THE ASSISTED LIVING PROGRAM MANAGER CERTIFICATION SHALL
12 BE RENEWED EVERY 2 YEARS.

13 (D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE
14 REQUIREMENTS OF THIS SECTION.

15 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
16 Health and Mental Hygiene, in consultation with the assisted living industry, shall
17 develop a methodology to establish an annual rate-setting formula based on the
18 actual cost for assisted living services under COMAR 10.09.54.00. The Department
19 shall submit a report regarding this methodology to the General Assembly, in
20 accordance with § 2-1246 of the State Government Article, on or before January 1,
21 2004.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2003.