

SENATE BILL 810

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2004 Regular Session
4r2659
CF 4r2592

By: ~~Senators Teitelbaum, Dyson, and Stone~~ Stone, Middleton, Astle, Della, Exum, Gladden, Hafer, Hooper, Kelley, Klausmeier, and Pipkin

Introduced and read first time: February 18, 2004

Assigned to: Rules

Re-referred to: Finance, February 23, 2004

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 23, 2004

CHAPTER _____

1 AN ACT concerning

2 **Assisted Living Programs - Assisted Living Managers - Training**
3 **Requirements**

4 FOR the purpose of requiring certain individuals employed by certain assisted living
5 programs, by a certain date, to complete a manager training course and certain
6 continuing education that meets certain requirements; subjecting an assisted
7 living program to a certain civil money penalty under certain circumstances;
8 exempting certain individuals from certain training requirements; authorizing
9 the Department of Health and Mental Hygiene to require certain individuals to
10 take a certain training course under certain circumstances; authorizing an
11 assisted living program to request an extension of a certain time period for
12 complying with certain requirements; requiring the Department to ensure that
13 certain programs are affordable and accessible; requiring the Department, in
14 consultation with certain organizations, to develop certain guidelines; requiring
15 the Department, in consultation with certain consumers and providers, to
16 conduct a certain evaluation; requiring the Department to submit a certain
17 report to certain committees of the General Assembly on or before a certain date;
18 and generally relating to training requirements for assisted living managers.

19 BY adding to
20 Article - Health - General
21 Section 19-1807
22 Annotated Code of Maryland
23 (2000 Replacement Volume and 2003 Supplement)

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

3 **Article - Health - General**

4 19-1807.

5 (A) (1) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, BY
6 JANUARY 1, 2006, AN ASSISTED LIVING MANAGER WHO IS EMPLOYED BY AN ASSISTED
7 LIVING PROGRAM THAT IS LICENSED FOR 17 OR MORE BEDS SHALL HAVE
8 COMPLETED A MANAGER TRAINING COURSE THAT IS APPROVED BY THE
9 DEPARTMENT AND INCLUDES AN EXAMINATION.

10 (2) THE MANAGER TRAINING COURSE SHALL:

11 (I) ~~SHALL~~ CONSIST OF AT LEAST 80 HOURS;

12 (II) ~~MAY~~ REQUIRE ATTENDANCE OR PARTICIPATION AT TRAINING
13 PROGRAMS THAT PROVIDE FOR DIRECT INTERACTION BETWEEN FACULTY AND
14 PARTICIPANTS; AND

15 (III) ~~SHALL~~ AUTHORIZE A MAXIMUM OF 25 HOURS OF TRAINING
16 THROUGH INTERNET COURSES, CORRESPONDENCE COURSES, TAPES, OR OTHER
17 TRAINING METHODS THAT DO NOT REQUIRE DIRECT INTERACTION BETWEEN
18 FACULTY AND PARTICIPANTS.

19 (B) AN ASSISTED LIVING MANAGER EMPLOYED IN A PROGRAM THAT IS
20 LICENSED FOR 17 OR MORE BEDS SHALL BE REQUIRED TO COMPLETE 20 HOURS OF
21 DEPARTMENT-APPROVED CONTINUING EDUCATION EVERY 2 YEARS.

22 (C) IN ADDITION TO THE SANCTIONS SPECIFIED IN COMAR 10.07.14.48, AN
23 ASSISTED LIVING PROGRAM THAT FAILS TO EMPLOY AN ASSISTED LIVING MANAGER
24 WHO MEETS THE REQUIREMENTS OF THIS SECTION MAY BE SUBJECT TO A CIVIL
25 MONEY PENALTY NOT TO EXCEED \$10,000.

26 (D) (1) THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION DO NOT
27 APPLY TO AN INDIVIDUAL WHO:

28 (I) IS EMPLOYED BY AN ASSISTED LIVING PROGRAM AND HAS
29 ENROLLED IN A DEPARTMENT-APPROVED MANAGER TRAINING COURSE THAT THE
30 INDIVIDUAL EXPECTS TO COMPLETE WITHIN 6 MONTHS;

31 (II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,
32 IS TEMPORARILY SERVING AS AN ASSISTED LIVING MANAGER, FOR NO LONGER THAN
33 45 DAYS, DUE TO AN ASSISTED LIVING MANAGER LEAVING EMPLOYMENT AND PRIOR
34 TO THE HIRING OF A PERMANENT ASSISTED LIVING MANAGER; OR

35 (III) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION:

1 1. HAS BEEN EMPLOYED AS AN ASSISTED LIVING MANAGER
2 IN THE STATE FOR 1 YEAR PRIOR TO JANUARY 1, 2006; OR

3 2. IS LICENSED AS A NURSING HOME ADMINISTRATOR IN
4 THE STATE.

5 (2) THE DEPARTMENT MAY REQUIRE AN INDIVIDUAL WHO IS EXEMPT
6 UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION TO COMPLETE A MANAGER
7 TRAINING COURSE AND EXAMINATION IF THE DEPARTMENT FINDS THAT THE
8 ASSISTED LIVING MANAGER REPEATEDLY ~~OR INTENTIONALLY~~ HAS VIOLATED STATE
9 LAW OR REGULATIONS ON ASSISTED LIVING AND THAT THOSE VIOLATIONS HAVE
10 CAUSED ACTUAL PHYSICAL OR EMOTIONAL HARM TO A RESIDENT.

11 (3) AN ASSISTED LIVING PROGRAM MAY REQUEST AN EXTENSION FROM
12 THE DEPARTMENT TO ALLOW AN INDIVIDUAL TO SERVE AS AN ASSISTED LIVING
13 MANAGER FOR LONGER THAN 45 DAYS IF THE ASSISTED LIVING PROGRAM HAS
14 SHOWN GOOD CAUSE FOR THE EXTENSION.

15 (E) THE DEPARTMENT SHALL ENSURE THAT MANAGER TRAINING COURSES
16 APPROVED BY THE DEPARTMENT ARE AFFORDABLE AND ACCESSIBLE TO ASSISTED
17 LIVING PROGRAMS AND TO INDIVIDUALS SEEKING ~~CERTIFICATION AS AN ASSISTED~~
18 ~~LIVING MANAGER~~ TO ENROLL IN THE COURSES.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of
20 Health and Mental Hygiene shall, in consultation with assisted living managers,
21 health care professionals who have expertise in providing assisted living care,
22 Mid-Atlantic LifeSpan, the Health Facilities Association of Maryland, the
23 Alzheimer's Association, the Mental Health Association of Maryland, and other
24 interested parties, develop core topics and guidelines to be used by organizations in
25 developing an assisted living manager training course and examination.

26 SECTION 3. AND BE IT FURTHER ENACTED, That:

27 (a) The Department of Health and Mental Hygiene, in consultation with
28 assisted living services consumers and providers, shall conduct an evaluation of
29 assisted living services in the State.

30 (b) (1) The Department shall submit a report regarding the evaluation to
31 the Senate Finance Committee and the House Health and Government Operations
32 Committee, in accordance with § 2-1246 of the State Government Article, on or before
33 January 1, 2005.

34 (2) The report shall include recommendations regarding:

35 (i) training requirements for assisted living managers not covered
36 under § 19-1807 of the Health - General Article;

37 (ii) quality standards for assisted living programs with fewer than
38 17 beds; and

1 (iii) a method for improving the efficiency of the assisted living
2 regulatory process.

3 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take
4 effect October 1, 2004.