

Department of Legislative Services  
Maryland General Assembly  
2004 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 1190

(Delegate Mandel, *et al.*)

Health and Government Operations

Finance

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Assisted Living Programs - Assisted Living Managers - Training Requirements

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This bill provides that, by January 1, 2006, an assisted living manager who is employed by an assisted living program that is licensed for 17 or more beds must have completed a manager training course that is approved by the Department of Health and Mental Hygiene (DHMH) and includes an examination.

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Fiscal Summary

**State Effect:** The development of core topics and guidelines for a training course and the bill's reporting requirements could be handled with existing DHMH budgeted resources.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:** The manager training course must be at least 80 hours, require attendance or participation at training programs, and authorize a maximum of 25 hours of training through Internet courses, correspondence courses, tapes, or other training methods that do not require direct interaction between faculty and participants. An assisted living manager is required to complete 20 hours of DHMH-approved continuing education every two years.

An assisted living program that fails to employ an assisted living manager who meets these requirements may be subject to a civil penalty up to \$10,000.

The required completion of a manager training course does not apply to an individual who: (1) is employed by an assisted living program and who expects to complete a training course within six months; (2) is temporarily serving as an assisted living manager for no longer than 45 days; or (3) has been employed as a manager for one year prior to January 1, 2006 or is licensed as a nursing home administrator. An assisted living program may request an extension from DHMH to allow an individual to serve as manager for longer than 45 days if the program has shown good cause for the extension.

DHMH may require an exempt manager to complete a training course if DHMH finds the manager repeatedly has violated State law or regulations and that those violations have caused actual physical or emotional harm to a resident.

DHMH must ensure the training courses are affordable and accessible to assisted living programs and to individuals seeking to enroll in courses. DHMH, in consultation with assisted living managers, health care professionals with expertise in assisted living care, Mid-Atlantic LifeSpan, the Health Facilities Association of Maryland, the Alzheimer's Association, the Mental Health Association of Maryland, and other interested parties, must develop core topics and guidelines to be used by organizations in developing the training courses.

**Current Law:** A person may not operate an assisted living program in this State without obtaining a license from DHMH. For programs with 16 beds or more, the license fee is \$100 per year plus \$6 for each bed over 15.

The Code of Maryland Regulations sets forth minimum qualifications for an assisted living manager, including: (1) be 21 years old or older; (2) possess a high school diploma, a high school equivalency diploma, or other appropriate education or experience; (3) be free from active reportable airborne communicable disease, and be free from any impairment which would hinder the performance of assigned responsibilities; (4) have no criminal convictions; (5) be of good moral character as evidenced by three letters of reference which attest to the character of the individual; (6) possess a genuine interest in the population being served; (7) have sufficient skills, training, and experience to serve the residents; and (8) have adequate knowledge in the health, psychosocial, and residential needs of the population being served.

DHMH may determine that an individual is not sufficiently qualified to serve as an assisted living manager if that individual's managerial or administrative experience or education is not sufficient to perform these responsibilities for the residents the licensee intends to serve.

DHMH, in consultation with assisted living services consumers and providers, must conduct an evaluation of assisted living services in the State. DHMH must submit a

report regarding the evaluation to the Senate Finance Committee and the House Health and Government Operations Committee by January 1, 2005. The report must include recommendations regarding: (1) training requirements for assisted living managers not covered under the bill; (2) quality standards for assisted living programs with fewer than 17 beds; and (3) a method for improving the efficiency of the assisted living regulatory process.

**Background:** There are approximately 152 assisted living programs licensed to serve 17 or more residents.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 810 (Senator Teitelbaum, *et al.*) – Finance.

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

**Fiscal Note History:** First Reader - March 2, 2004  
lc/jr Revised - House Third Reader - March 23, 2004

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