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By: **Chairman, Health and Government Operations Committee (By  
Request - Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 11, 2005

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 30, 2005

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health - Hospitals, Related Institutions, and Housing Programs for**  
3 **Individuals in Need of Assistance**

4 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to collect  
5 and disseminate to certain providers certain information on best practices;  
6 providing for certain civil penalties to be distributed to a certain account;  
7 altering the licensing requirements for certain assisted living and related  
8 programs; defining the term "housing programs" to mean certain related  
9 institutions including certain assisted living and related programs for certain  
10 individuals who need assistance with the activities of daily living; altering the  
11 duties of the Department of Health and Mental Hygiene in connection with  
12 certain housing programs; requiring the Department to require certain adult  
13 care homes to be certified; altering certain requirements for the adoption of  
14 regulations; altering the criteria to be used to charge fees to certain housing  
15 programs; authorizing certain regulations to include standards for advertising  
16 or soliciting by certain housing programs; authorizing the Department to impose  
17 certain sanctions and civil penalties under certain circumstances; providing for  
18 certain civil and criminal penalties relating to the operation of ~~certain hospitals~~  
19 ~~and related institutions, including~~ certain housing programs; requiring certain  
20 housing programs that provide for individuals with certain disorders by means  
21 of a special care unit or program to ~~make certain disclosures~~, provide certain  
22 descriptions of the special care unit or program, ~~and obtain certain prior~~  
23 ~~approval from the Department~~; prohibiting a housing program from advertising  
24 or making certain representations in a certain manner; authorizing the  
25 Department to restrict or close certain special care units or programs under  
26 certain circumstances; prohibiting certain adult care homes from accepting a  
27 referral from a hospital authorizing adult care homes to receive referrals from

1 hospitals under certain circumstances; defining certain terms; requiring the  
 2 adoption of certain regulations; providing for the application of this Act;  
 3 requiring the Department to issue certain reports to the House Health and  
 4 Government Operations Committee and the Senate Finance Committee;  
 5 providing for a ~~delayed effective date~~ the effective dates of this Act; and  
 6 generally relating to certain hospitals, related institutions, and housing  
 7 programs for individuals who need assistance with the activities of daily living.

8 BY repealing and reenacting, without amendments,  
 9 Article - Health - General  
 10 Section 1-101(a) and (c)  
 11 Annotated Code of Maryland  
 12 (2000 Replacement Volume and 2004 Supplement)

13 BY repealing and reenacting, with amendments,  
 14 Article - Health - General  
 15 Section 19-358, ~~19-359~~, and 19-1407, 19-1412(a), 19-1801, 19-1802, 19-1804,  
 16 ~~and 19-1805~~ 19-1805, and 20-109  
 17 Annotated Code of Maryland  
 18 (2000 Replacement Volume and 2004 Supplement)

19 BY repealing  
 20 Article - Health - General  
 21 Section 19-1803  
 22 Annotated Code of Maryland  
 23 (2000 Replacement Volume and 2004 Supplement)

24 BY adding to  
 25 Article - Health - General  
 26 Section ~~19-1412(c)~~, 19-1805.1, 19-1808, ~~19-1809~~, and ~~19-1810~~ and 19-1809  
 27 Annotated Code of Maryland  
 28 (2000 Replacement Volume and 2004 Supplement)

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

31 **Article - Health - General**

32 19-1412.

33 (a) The Secretary shall:

34 (1) Establish a technical assistance unit within the Department to  
 35 support compliance efforts and best practices; [and]

36 (2) Establish a list of approved medical automated systems; AND

1 (3) COLLECT INFORMATION ON BEST PRACTICES IDENTIFIED DURING  
2 INSPECTION OF NURSING HOMES REGULATED UNDER THIS SUBTITLE AND  
3 FACILITIES REGULATED UNDER SUBTITLE 18 OF THIS TITLE AND, AT LEAST  
4 ANNUALLY, DISSEMINATE A REPORT ON THE INFORMATION COLLECTED TO  
5 PROVIDERS REGULATED UNDER THIS SUBTITLE AND SUBTITLE 18 OF THIS TITLE.

6 (C) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE SECRETARY SHALL  
7 REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO  
8 THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE AND THE SENATE  
9 FINANCE COMMITTEE ON THE BEST PRACTICES IDENTIFIED UNDER SUBSECTION (A)  
10 OF THIS SECTION.

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

13 **Article - Health - General**

14 1-101.

15 (a) In this article the following words have the meanings indicated.

16 (c) "Department" means the Department of Health and Mental Hygiene.

17 19-358.

18 (a) A person may not operate a hospital or related institution unless issued a  
19 registration permit or licensed by the Secretary.

20 (b) A hospital may not provide or hold itself out as providing comprehensive  
21 physical rehabilitation services, as defined in § 19-1201 of this title, or operate as a  
22 special rehabilitation hospital unless the hospital is classified as a special  
23 rehabilitation hospital by the Secretary.

24 (c) Unless a health care facility is classified as a special rehabilitation  
25 hospital by the Secretary, a health care facility may only offer those physical  
26 rehabilitation services which are appropriate and necessary to the care, treatment, or  
27 support of the acute, chronic disease, or long-term care patient.

28 (d) (1) A person who violates any provision of this section is guilty of a  
29 misdemeanor and on conviction is subject to IMPRISONMENT NOT EXCEEDING 5  
30 YEARS AND a fine not exceeding ~~[\$1,000]~~ \$10,000 for the first offense and not  
31 exceeding ~~[\$10,000]~~ \$20,000 for each subsequent conviction for a violation of the same  
32 provision. Each day a violation is continued after the first conviction is a subsequent  
33 offense.

34 (2) The Secretary may impose a civil money penalty not to exceed  
35 \$10,000 for each offense under this section.

1 ~~19-359.~~

2 (a) ~~A person who operates a related institution in violation of the rules and~~  
3 ~~regulations that the Secretary adopts for related institutions is guilty of a~~  
4 ~~misdemeanor and on conviction is subject to a fine not exceeding [\$1,000] \$10,000.~~  
5 ~~Each day a violation is continued after the first conviction is a separate offense.~~

6 (b) ~~The Secretary may impose a civil money penalty not to exceed \$10,000 for~~  
7 ~~each offense under this section.~~

8 (c) (1) ~~If a civil money penalty is imposed under this section or under §~~  
9 ~~19-358 of this subtitle, the Secretary shall issue an order which shall state the basis~~  
10 ~~on which the order is made, the amount of the civil money penalty imposed, and the~~  
11 ~~manner in which the amount of the civil money penalty was calculated.~~

12 (2) ~~The operator of an unlicensed hospital or an unlicensed or~~  
13 ~~unregistered related institution shall have the right to appeal from the order~~  
14 ~~imposing the civil money penalty in accordance with Title 10, Subtitle 2 of the State~~  
15 ~~Government Article (Administrative Procedure Act—Contested Cases).~~

16 19-1407.

17 (a) (1) There is a Health Care Quality Account established in the  
18 Department.

19 (2) The Account shall be funded by civil money penalties paid by nursing  
20 homes AND HOUSING PROGRAMS AS DEFINED BY § 19-1801 OF THIS ARTICLE and  
21 other penalties that the Office of Health Care Quality may assess.

22 (3) The Department shall pay all penalties collected under this title to  
23 the Comptroller of the State.

24 (4) The Comptroller shall distribute the funds collected under this title  
25 to the Health Care Quality Account.

26 (5) The Account is a continuing nonlapsing fund, not subject to § 7-302  
27 of the State Finance and Procurement Article.

28 (6) Any unspent portions of the Account may not be transferred or  
29 reverted to the General Fund of the State, but shall remain in the Account to be used  
30 for the purposes specified in this section.

31 (b) The Health Care Quality Account shall be used for training, grant awards,  
32 demonstration projects, or other purposes designed to improve the quality of care.

33 (c) The Department shall adopt regulations for the distribution of funds from  
34 the Health Care Quality Account.

35 (D) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE DEPARTMENT SHALL  
36 REPORT, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO

1 THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE AND THE SENATE  
 2 FINANCE COMMITTEE ON THE STATUS OF THE HEALTH CARE QUALITY ACCOUNT  
 3 AND THE MONEY COMING INTO AND DISBURSED FROM THE ACCOUNT.

4 19-1801.

5 (A) In this subtitle[:] THE FOLLOWING WORDS HAVE THE MEANINGS  
 6 INDICATED.

7 (B) "ADULT CARE HOME" MEANS A HOUSING PROGRAM THAT IS CERTIFIED BY  
 8 THE DEPARTMENT TO SERVE FOUR OR FEWER INDIVIDUALS IN A SINGLE PRIVATE  
 9 RESIDENCE WHERE THE PRIMARY CAREGIVER OF THE HOME IS ALSO THE PRIMARY  
 10 RESIDENT OF THE HOME.

11 (C) "ASSISTED LIVING PROGRAM" MEANS A HOUSING PROGRAM THAT IS  
 12 LICENSED BY THE DEPARTMENT TO SERVE 10 OR MORE INDIVIDUALS.

13 [(1)] (D) ["Assisted living program" ] "HOUSING PROGRAM" means a  
 14 residential or facility-based program that provides housing and supportive services,  
 15 supervision, personalized assistance, health-related services, or a combination  
 16 thereof that meets the needs of individuals who are unable to perform or who need  
 17 assistance in performing the activities of daily living [or instrumental activities of  
 18 daily living in a way that promotes optimum dignity and independence for the  
 19 individuals].

20 (E) "RESIDENTIAL CARE HOME" MEANS A HOUSING PROGRAM THAT IS  
 21 LICENSED TO SERVE ~~FIVE~~ ONE TO NINE INDIVIDUALS AND THAT IS NOT AN ADULT  
 22 CARE HOME.

23 (F) "SPECIAL CARE UNIT OR PROGRAM" MEANS A SECURED OR SEPARATE  
 24 SPECIAL UNIT OR PROGRAM SPECIFICALLY DESIGNED FOR INDIVIDUALS WITH A  
 25 PROBABLE OR CONFIRMED DIAGNOSIS OF ALZHEIMER'S DISEASE, DEMENTIA, OR A  
 26 RELATED DISORDER.

27 19-1802.

28 [(2) "Assisted living program" does not include] THIS SUBTITLE DOES  
 29 NOT APPLY TO:

30 [(i)] (1) A nursing home, as defined under § 19-301 of this title;

31 [(ii)] (2) A State facility, as defined under § 10-101 of this article;

32 [(iii)] (3) A program licensed by the Department under Title 7 or  
 33 Title 10 of this article;

34 [(iv)] (4) A hospice care program regulated by the Department  
 35 under Subtitle 9 of this title;

36 [(v)] (5) Services provided by family members; or

1 [(vi)] (6) Services provided TO AN INDIVIDUAL IN THAT [in an]  
2 individual's own home.

3 [19-1802.] 19-1803.

4 The Department shall be the lead agency for supervising and monitoring a  
5 statewide interagency system for regulating the establishment and operation of  
6 [assisted living programs] HOUSING PROGRAMS.

7 [19-1803.

8 (a) The Department shall encourage, but may not require, providers of  
9 assisted living program services to offer a continuum of care.

10 (b) Providers of assisted living program services may provide services at a  
11 variety of levels and in a variety of settings.]

12 19-1804.

13 The Department shall:

14 (1) Serve as ~~the~~ A point of entry for persons desiring information on  
15 [assisted living programs] HOUSING PROGRAMS; AND

16 ~~{~~(2) Provide the Department of Aging and other State agencies that  
17 routinely receive inquiries from the public about assisted living with information that  
18 will enable the agencies to respond to the inquiries accurately and effectively; and

19 ~~(3)}~~ (2) Delegate various aspects of its responsibilities under this  
20 subtitle to monitor and inspect [assisted living programs and facilities] A  
21 ~~RESIDENTIAL CARE HOME OR AN ADULT CARE HOME~~ HOUSING PROGRAMS to the  
22 Department of Aging and the Department of Human Resources, in accordance with  
23 an interagency agreement, for the purpose of ensuring compliance with the  
24 regulations adopted by the Department under this subtitle.

25 19-1805.

26 (a) The Department shall:

27 (1) Define different ~~CARE~~ levels OF CARE [of assisted living] THAT MAY  
28 BE PROVIDED IN HOUSING PROGRAMS [according to the level of care provided];

29 (2) Require all assisted living programs OR RESIDENTIAL CARE HOMES  
30 to be licensed PRIOR TO OPERATING [to operate according to the level of the  
31 program];

32 (3) [Develop a waiver process for authorizing an assisted living program  
33 to continue to care for an individual whose medical or functional condition has  
34 changed since admission to the program to an extent that the level of care required by  
35 the individual exceeds the level of care for which the program is licensed] REQUIRE  
36 ALL ADULT CARE HOMES TO BE CERTIFIED PRIOR TO OPERATING AND PROHIBIT THE

1 CERTIFICATION OF ANY ADULT CARE HOME THAT IS SUBJECT TO AN OWNERSHIP OR  
2 BUSINESS INTEREST HELD BY A PERSON WHO ALSO HOLDS AN OWNERSHIP OR  
3 BUSINESS INTEREST IN ANOTHER HOUSING PROGRAM;

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

6           (5)]     (4)     Establish and enforce quality standards for [assisted living  
7 programs] HOUSING PROGRAMS;

8           [(6)]     (5)     Require ~~periodic inspections of assisted living program~~  
9 ~~facilities, including at least an annual unannounced on-site inspection~~ OF EACH  
10 RESIDENTIAL CARE HOME AND ASSISTED LIVING PROGRAM;

11           (6)     REQUIRE PERIODIC UNANNOUNCED ON-SITE INSPECTION OF ADULT  
12 CARE HOMES;

13           (7)     Establish requirements for the qualifications or training or both of  
14 assisted living program AND RESIDENTIAL CARE HOME employees;

15           (8)     Establish a "resident bill of rights" for residents of ~~assisted living~~  
16 ~~[program facilities]~~ PROGRAMS AND RESIDENTIAL CARE HOMES HOUSING  
17 PROGRAMS; [and]

18           (9)     ALLOW A PERSON TO OBTAIN A RESIDENTIAL CARE HOME LICENSE  
19 FOR ANY HOUSING PROGRAM WITH FEWER THAN FIVE BEDS IF THE PERSON  
20 OTHERWISE MEETS THE QUALIFICATIONS FOR A RESIDENTIAL CARE HOME LICENSE;

21           (10)    ALLOW A PERSON TO OBTAIN AN ASSISTED LIVING PROGRAM  
22 LICENSE FOR ANY HOUSING PROGRAM WITH FEWER THAN 10 BEDS IF THE PERSON  
23 OTHERWISE MEETS THE QUALIFICATIONS FOR AN ASSISTED LIVING PROGRAM  
24 LICENSE; AND

25           [(9)]    (11)    Define which, if any, [assisted living] HOUSING programs may  
26 be exempt from the requirements of § 19-311 of this title.

27       (b)    (1)    (i)     The Secretary may accept all or part of a report of an approved  
28 accrediting organization as meeting the State licensing requirements for renewal of a  
29 license to operate [an assisted living facility program] A HOUSING PROGRAM.

30                   (ii)    The Secretary may not accept all or part of a report of an  
31 approved accrediting organization as meeting the State licensing requirements for an  
32 initial license to operate [an assisted living facility program] A HOUSING PROGRAM.

33           (2)    (i)     The [assisted living facility] HOUSING program shall submit  
34 the report of an accrediting organization to the Secretary within 30 days of the receipt  
35 of the report by the [assisted living facility] HOUSING program.

36                   (ii)    The report of an accrediting organization used by the  
37 Department as meeting the State licensing requirements for renewal of a license to

1 operate [an assisted living facility] A HOUSING program shall be made available to  
2 the public on request.

3 (3) The Secretary may inspect [an assisted living facility] A HOUSING  
4 program to:

5 (i) Investigate a complaint;

6 (ii) Follow up on a serious problem identified by an approved  
7 accrediting organization; or

8 (iii) Validate findings of an approved accrediting organization.

9 (c) (1) The Department, in consultation with representatives of the affected  
10 industry and advocates for residents of the facilities, {and with the approval of} the  
11 Department of Aging, and the Department of Human Resources, shall adopt  
12 regulations to implement this subtitle.

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

14 (i) Provide STANDARDS for the licensing, CERTIFICATION, AND  
15 DISCIPLINE of [assisted living] HOUSING programs and the renewal of licenses AND  
16 CERTIFICATES;

17 (ii) Require the Secretary to charge fees in a manner that will  
18 produce funds [not] to [exceed] MEET the actual direct and indirect costs to the  
19 Department for inspecting, LICENSING, CERTIFICATION, AND DISCIPLINING  
20 [assisted living program facilities and maintaining the licensure program for assisted  
21 living] HOUSING programs under this subtitle; AND

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

26 (iv)] (III) Require an assisted living program [facility] AND A  
27 RESIDENTIAL CARE HOME to post in a conspicuous place visible to actual and  
28 potential residents of the facility and other interested parties:

29 1. A. Its statement of deficiencies for the most recent  
30 survey;

31 B. Any subsequent complaint investigations conducted by  
32 federal, State, or local surveyors; and

33 C. Any plans of correction in effect with respect to the survey  
34 or complaint investigation; or

35 2. A notice of the location, within the facility, of the items  
36 listed in item 1 of this item.



1 (3) THE REGULATIONS ADOPTED UNDER THIS SUBTITLE MAY INCLUDE  
2 STANDARDS FOR ADVERTISING OR SOLICITING BY HOUSING PROGRAMS.

3 19-1805.1.

4 (A) AFTER PROVIDING THE HOUSING PROGRAM WITH THE OPPORTUNITY FOR  
5 A HEARING UNDER THE ADMINISTRATIVE PROCEDURE ACT, TITLE 10, SUBTITLE 2 OF  
6 THE STATE GOVERNMENT ARTICLE, THE DEPARTMENT MAY SUSPEND, REVOKE,  
7 IMPOSE RESTRICTIONS ON A LICENSE OR CERTIFICATE, OR ISSUE A CIVIL MONEY  
8 PENALTY NOT TO EXCEED \$10,000 IF AN APPLICANT, LICENSEE, OR CERTIFIED  
9 HOUSING PROGRAM FAILS TO COMPLY WITH THIS SUBTITLE OR REGULATIONS  
10 ADOPTED BY THE SECRETARY UNDER THIS SUBTITLE.

11 (B) IF THE DEPARTMENT DENIES AN APPLICATION FOR A LICENSE OR  
12 CERTIFICATE DUE TO THE APPLICANT'S FAILURE TO MEET THE STANDARDS FOR  
13 LICENSURE OR CERTIFICATION SET FORTH IN THIS SUBTITLE OR THE REGULATIONS  
14 ADOPTED BY THE SECRETARY, THE APPLICANT MAY APPEAL THE DECISION UNDER  
15 THE ADMINISTRATIVE PROCEDURE ACT, TITLE 10, SUBTITLE 2 OF THE STATE  
16 GOVERNMENT ARTICLE AND IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE  
17 SECRETARY.

18 19-1808.

19 (A) AN INDIVIDUAL MAY NOT OPERATE OR ENGAGE IN, ATTEMPT TO OPERATE  
20 OR ENGAGE IN, OR HOLD ONE'S SELF OUT AS OPERATING OR ENGAGING IN THE  
21 BUSINESS OF PROVIDING HOUSING AND OTHER SERVICES THAT WOULD REQUIRE A  
22 LICENSE OR CERTIFICATE AS A HOUSING PROGRAM UNDER THIS SUBTITLE UNLESS  
23 THE INDIVIDUAL IS LICENSED OR CERTIFIED UNDER THIS SUBTITLE.

24 (B) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS GUILTY OF A ~~FELONY~~  
25 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT  
26 EXCEEDING 5 YEARS AND A FINE NOT EXCEEDING \$10,000 FOR THE FIRST OFFENSE  
27 AND NOT EXCEEDING \$20,000 FOR EACH SUBSEQUENT CONVICTION OF THE SAME  
28 PROVISION. EACH DAY A VIOLATION IS CONTINUED AFTER THE FIRST CONVICTION  
29 IS A SUBSEQUENT OFFENSE.

30 ~~19-1809.~~

31 ~~(A) A HOUSING PROGRAM THAT PROVIDES CARE FOR OR OFFERS TO PROVIDE  
32 CARE FOR INDIVIDUALS WITH ALZHEIMER'S DISEASE, DEMENTIA, OR A RELATED  
33 DISORDER BY MEANS OF A SPECIAL CARE UNIT OR PROGRAM SHALL DISCLOSE IN  
34 WRITING TO THE CONSUMER HOW THE FORM OF CARE AND TREATMENT PROVIDED  
35 BY THE SPECIAL CARE UNIT OR PROGRAM IS SPECIFICALLY DESIGNED FOR THE  
36 SPECIALIZED CARE OF SUCH INDIVIDUALS.~~

37 ~~(B) A HOUSING PROGRAM MAY NOT OPERATE A SPECIAL CARE UNIT WITHOUT  
38 FIRST OBTAINING THE APPROVAL OF THE DEPARTMENT.~~

1 ~~(C) A HOUSING PROGRAM SHALL SUBMIT A DESCRIPTION OF THE SPECIAL~~  
2 ~~CARE UNIT OR PROGRAM TO THE DEPARTMENT FOR APPROVAL WHICH SHALL~~  
3 ~~INCLUDE:~~

4 (1) ~~A STATEMENT OF PHILOSOPHY OR MISSION;~~

5 (2) ~~STAFF TRAINING AND STAFF JOB TITLES;~~

6 (3) ~~ADMISSION PROCEDURES INCLUDING SCREENING CRITERIA;~~

7 (4) ~~ASSESSMENT AND CARE PLANNING PROTOCOL;~~

8 (5) ~~STAFFING PATTERNS;~~

9 (6) ~~A DESCRIPTION OF THE PHYSICAL ENVIRONMENT AND ANY UNIQUE~~  
10 ~~DESIGN FEATURES APPROPRIATE TO SUPPORT THE FUNCTIONING OF COGNITIVELY~~  
11 ~~IMPAIRED INDIVIDUALS;~~

12 (7) ~~A DESCRIPTION OF ACTIVITIES INCLUDING FREQUENCY AND TYPE;~~

13 (8) ~~CHARGES TO RESIDENTS FOR SERVICES PROVIDED BY THE SPECIAL~~  
14 ~~CARE UNIT OR PROGRAM;~~

15 (9) ~~DISCHARGE PROCEDURES;~~

16 (10) ~~ANY SERVICES, TRAINING, OR OTHER PROCEDURES THAT ARE OVER~~  
17 ~~AND ABOVE THOSE THAT ARE PROVIDED IN THE EXISTING HOUSING PROGRAM; AND~~

18 (11) ~~ANY OTHER INFORMATION THAT THE DEPARTMENT MAY REQUIRE.~~

19 ~~(D) A HOUSING PROGRAM WITH A SPECIAL CARE UNIT OR PROGRAM SHALL~~  
20 ~~DISCLOSE THE WRITTEN DESCRIPTION OF THE SPECIAL CARE UNIT TO:~~

21 (1) ~~ANY PERSON ON REQUEST; AND~~

22 (2) ~~THE FAMILY OR PARTY RESPONSIBLE FOR ANY RESIDENT PRIOR TO~~  
23 ~~ADMISSION OF THE RESIDENT TO THE SPECIAL CARE UNIT OR PROGRAM.~~

24 ~~49-1810. 19-1809.~~

25 (A) (1) A HOUSING PROGRAM MAY NOT ADVERTISE, REPRESENT OR IMPLY  
26 TO THE PUBLIC, OR HOLD ITSELF OUT AS AUTHORIZED TO PROVIDE A SERVICE FOR  
27 WHICH IT IS NOT LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY THE  
28 DEPARTMENT WHEN THE LICENSE, CERTIFICATE, OR AUTHORIZATION IS REQUIRED  
29 BY THIS SUBTITLE OR THE REGULATIONS ADOPTED BY THE SECRETARY UNDER THIS  
30 SUBTITLE.

31 (2) A HOUSING PROGRAM MAY NOT ADVERTISE IN A MANNER THAT IS  
32 MISLEADING OR FRAUDULENT.

1 (3) A HOUSING PROGRAM MAY NOT ADVERTISE SPECIAL CARE UNITS  
2 UNLESS THOSE UNITS HAVE BEEN APPROVED BY THE DEPARTMENT.

3 (B) AN ADULT CARE HOME MAY ~~NOT~~ ACCEPT A REFERRAL FROM A HOSPITAL  
4 IF THE HOSPITAL AND THE ADULT CARE HOME HAVE ASSESSED THE PATIENT AND  
5 DETERMINED THAT THE NEEDS OF THE PATIENT CAN BE MET.

6 (C) A HOUSING PROGRAM THAT VIOLATES THIS SECTION MAY BE SUBJECT TO  
7 A CIVIL MONEY PENALTY IMPOSED BY THE SECRETARY NOT TO EXCEED \$10,000 FOR  
8 EACH OFFENSE UNDER THIS SECTION. THE APPLICANT MAY APPEAL THE DECISION  
9 UNDER THE ADMINISTRATIVE PROCEDURE ACT, TITLE 10, SUBTITLE 2 OF THE STATE  
10 GOVERNMENT ARTICLE AND IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE  
11 SECRETARY.

12 20-109.

13 (a) (1) In this section[,] THE FOLLOWING WORDS HAVE THE MEANINGS  
14 INDICATED.

15 (2) "Alzheimer's special care unit or program" means a secured or  
16 segregated special unit or program specifically designed for individuals with a  
17 probable or confirmed diagnosis of Alzheimer's disease or a related disorder.

18 (3) "HOUSING PROGRAM" HAS THE MEANING STATED IN § 19-1801 OF  
19 THIS ARTICLE.

20 (b) [An assisted living program] A HOUSING PROGRAM that provides care for  
21 or offers to provide care for persons with Alzheimer's disease or a related disorder by  
22 means of an Alzheimer's special care unit or program. shall disclose how the form of  
23 care and treatment provided by the Alzheimer's special care unit or program is  
24 specifically designed for the specialized care of individuals diagnosed with  
25 Alzheimer's disease or a related disorder.

26 (c) (1) At the time of licensure [or license renewal, an assisted living  
27 program]. A HOUSING PROGRAM with an Alzheimer's special care unit or program  
28 shall send to the Department a written description of the special care unit or  
29 program.

30 (2) AT THE TIME OF LICENSE RENEWAL, IF THE HOUSING PROGRAM HAS  
31 MADE ANY CHANGES TO THE ALZHEIMER'S SPECIAL CARE UNIT OR PROGRAM, THE  
32 HOUSING PROGRAM SHALL SEND TO THE DEPARTMENT A WRITTEN DESCRIPTION OF  
33 THE CHANGES AND A STATEMENT AS TO HOW THESE CHANGES DIFFER FROM THE  
34 PREVIOUS YEAR'S SUBMISSION.

35 (d) [An assisted living program] A HOUSING PROGRAM with an Alzheimer's  
36 special care unit or program shall disclose the written description of the special care  
37 unit to:

38 (1) Any person on request; and

1           (2)     The family or party responsible for any resident prior to admission of  
2 the resident to the Alzheimer's special care unit or program.

3     (e)     The description of the Alzheimer's special care unit or program shall  
4 include:

5           (1)     A statement of philosophy or mission;

6           (2)     Staff training and staff job titles;

7           (3)     Admission procedures including screening criteria;

8           (4)     Assessment and care planning protocol;

9           (5)     Staffing patterns;

10          (6)     A description of the physical environment and any unique design  
11 features appropriate to support the functioning of cognitively impaired individuals;

12          (7)     A description of activities including frequency and type;

13          (8)     Charges to residents for services provided by the Alzheimer's special  
14 care unit or program;

15          (9)     Discharge procedures;

16          (10)    Any services, training, or other procedures that are over and above  
17 those that are provided in the existing [assisted living] HOUSING program; and

18          (11)    Any other information that the Department may require.

19     (f)     The Department, in consultation with the Alzheimer's Association, the  
20 Health Facilities Association of Maryland, and Lifespan, may adopt regulations that  
21 govern the submission of disclosure materials to the Department and to consumers.

22     (G)     IF THE DEPARTMENT CONDUCTS AN ON-SITE SURVEY AND DETERMINES  
23 THAT THE HEALTH AND SAFETY OF A RESIDENT IN AN ALZHEIMER'S SPECIAL CARE  
24 UNIT OR PROGRAM ARE AT RISK, THE DEPARTMENT MAY RESTRICT OR CLOSE THE  
25 OPERATION OF THE SPECIAL CARE UNIT OR PROGRAM.

26     SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That the Department of  
27 Health and Mental Hygiene, in consultation with the Department of Aging, the  
28 Department of Human Resources, and housing programs as defined in § 19-1801 of  
29 the Health - General Article as enacted by Section 1 of this Act, shall adopt  
30 regulations to implement the provisions of this Act.

31     SECTION 4. AND BE IT FURTHER ENACTED, That:

32     (a)     The Department of Health and Mental Hygiene, in consultation with  
33 providers, advocates, legislators, consumers, and family members of consumers shall

1 conduct an evaluation of need for housing programs for individuals with mental  
2 illness.

3 (b) (1) The Department shall submit a report regarding the evaluation to  
4 the House Health and Government Operations Committee and the Senate Finance  
5 Committee in accordance with § 2-1246 of the State Government Article, on or before  
6 June 30, 2007.

7 (2) The report shall include recommendations regarding:

8 (i) the need for various types of housing programs for individuals  
9 with mental illness;

10 (ii) the types of services that individuals with mental illness  
11 require;

12 (iii) appropriate oversight and quality standards for housing  
13 programs serving individuals with mental illness;

14 (iv) coordination of housing programs for individuals with mental  
15 illness with other service providers;

16 (v) barriers to access to housing programs for individuals with  
17 mental illness;

18 (vi) the fiscal impact of implementing the recommendations; and

19 (vii) any other issues related to housing needs for individuals with  
20 mental illness.

21 (c) The Department shall provide interim reports on June 30, 2005, October 1,  
22 2005, and October 1, 2006.

23 SECTION 5. AND BE IT FURTHER ENACTED, That Sections 2 and 3 of this  
24 Act shall take effect October 1, 2006.

25 SECTION 3- 6. AND BE IT FURTHER ENACTED, That, except as provided in  
26 Section 5 of this Act, this Act shall take effect ~~October~~ June 1, 2006.