

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL NO. 1036
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after “knowingly” insert “and willfully”; in line 4, after “license;” insert “requiring the Department of Health and Mental Hygiene to send a certain written notice to certain assisted living programs under certain circumstances; exempting a person from certain penalties under certain circumstances; requiring the State to consider certain factors in recommending the amount of a certain criminal penalty;”; and in line 9, after “penalties;” insert “requiring the Secretary to consider certain factors in setting the amount of a certain civil money penalty;”.

AMENDMENT NO. 2

On page 2, in line 3, after “KNOWINGLY” insert “AND WILLFULLY”; and after line 10, insert:

“(3) IF THE DEPARTMENT FINDS AN ASSISTED LIVING PROGRAM TO BE IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL SEND WRITTEN NOTICE TO THE PROGRAM 30 DAYS BEFORE THE STATE FILES CHARGES UNDER THIS SECTION IN ORDER TO GIVE THE PROGRAM AN OPPORTUNITY TO COME INTO COMPLIANCE WITH LICENSURE REQUIREMENTS.

(4) A PERSON MAY NOT BE SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION IF THE PERSON HAS:

(I) APPLIED IN GOOD FAITH TO THE DEPARTMENT FOR AN ASSISTED LIVING PROGRAM LICENSE;

(II) IS AWAITING A DECISION FROM THE DEPARTMENT REGARDING THE APPLICATION; AND

(Over)

(III) HAS NOT BEEN DENIED AN ASSISTED LIVING PROGRAM LICENSE ON A PRIOR OCCASION.

(5) IN RECOMMENDING THE AMOUNT OF THE CRIMINAL PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE STATE SHALL CONSIDER FACTORS INCLUDING THE NATURE, NUMBER, AND SERIOUSNESS OF THE VIOLATIONS AND THE ABILITY OF THE ASSISTED LIVING PROGRAM TO PAY THE PENALTY.”.

AMENDMENT NO. 3

On page 2, in line 18, after “(2)” insert “(I)”; and after line 20, insert:

“(II) IN SETTING THE AMOUNT OF A CIVIL MONEY PENALTY ON THE PROGRAM UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE SECRETARY SHALL CONSIDER FACTORS INCLUDING THE NATURE, NUMBER, AND SERIOUSNESS OF THE VIOLATIONS AND THE ABILITY OF THE ASSISTED LIVING PROGRAM TO PAY THE PENALTY.”.