

---

By: **Delegates Mandel, Barve, Benson, Boteler, Bromwell, Donoghue, Elliott,  
Goldwater, Hammen, Hubbard, Kach, Kullen, Pendergrass, V. Turner,  
and Weldon**

Introduced and read first time: February 10, 2006

Assigned to: Health and Government Operations

---

A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs - Licensure**

3 FOR the purpose of requiring a person to be licensed by the Department of Health  
4 and Mental Hygiene to conduct, operate, or maintain an assisted living  
5 program; requiring a person seeking an assisted living program license to  
6 submit a certain application, certain information, and a certain fee to the  
7 Secretary of Health and Mental Hygiene; requiring the Secretary to develop a  
8 certain application; requiring the Secretary to conduct a certain review and  
9 investigation of applicants for an assisted living program license; requiring the  
10 Secretary to issue a certain approval or to deny applicants for an assisted living  
11 program license; providing that an assisted living program license is valid for a  
12 certain period of time; authorizing the Secretary to issue a certain probationary  
13 license; requiring the Department, in consultation with certain individuals and  
14 groups, to develop a certain methodology; requiring the Department, on or  
15 before certain dates, to submit certain reports to certain committees of the  
16 General Assembly; providing for the application of certain provisions of this Act;  
17 and generally relating to assisted living programs.

18 BY adding to  
19 Article - Health - General  
20 Section 19-1804.1  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2005 Supplement)

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

25 **Article - Health - General**

26 19-1804.1.

27 (A) A PERSON SHALL BE LICENSED BY THE DEPARTMENT TO CONDUCT,  
28 OPERATE, OR MAINTAIN AN ASSISTED LIVING PROGRAM IN THE STATE.

1 (B) (1) A PERSON SHALL SUBMIT AN APPLICATION FOR LICENSURE TO  
2 CONDUCT, OPERATE, OR MAINTAIN AN ASSISTED LIVING PROGRAM TO THE  
3 SECRETARY ON A FORM DEVELOPED BY THE SECRETARY.

4 (2) (I) THE SECRETARY SHALL DEVELOP THE APPLICATION FOR  
5 LICENSURE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

6 (II) THE APPLICATION SHALL INCLUDE THE NAME AND ADDRESS  
7 OF EACH OFFICER, MANAGER, ALTERNATE MANAGER, AND DELEGATING NURSE OR  
8 CASE MANAGER OF THE ASSISTED LIVING PROGRAM.

9 (3) IN ADDITION TO THE APPLICATION, AN APPLICANT FOR LICENSURE  
10 SHALL SUBMIT TO THE SECRETARY:

11 (I) THE FEE ESTABLISHED IN REGULATION UNDER §  
12 19-1805(C)(2)(II) OF THIS SUBTITLE;

13 (II) INFORMATION CONCERNING ANY LICENSE OR CERTIFICATION  
14 HELD BY THE APPLICANT UNDER THE HEALTH OCCUPATIONS ARTICLE OR UNDER  
15 THIS ARTICLE, INCLUDING THE PRIOR OR CURRENT OPERATION BY THE APPLICANT  
16 OF A HEALTH CARE FACILITY, RESIDENTIAL FACILITY, OR SIMILAR HEALTH CARE  
17 PROGRAM;

18 (III) INFORMATION DEMONSTRATING THE FINANCIAL AND  
19 ADMINISTRATIVE ABILITY OF THE APPLICANT TO OPERATE AN ASSISTED LIVING  
20 PROGRAM IN COMPLIANCE WITH THIS SUBTITLE;

21 (IV) THE POLICIES AND PROCEDURES TO BE IMPLEMENTED BY THE  
22 ASSISTED LIVING PROGRAM;

23 (V) IDENTIFICATION OF THE PERSONNEL AND RELIEF PERSONNEL  
24 TO BE EMPLOYED BY THE ASSISTED LIVING PROGRAM; AND

25 (VI) ANY OTHER INFORMATION THAT IS RELEVANT TO THE ABILITY  
26 OF THE APPLICANT TO CARE FOR THE RESIDENTS OF THE ASSISTED LIVING  
27 PROGRAM.

28 (C) (1) THE SECRETARY SHALL:

29 (I) REVIEW THE APPLICATION AND INFORMATION RECEIVED  
30 UNDER SUBSECTION (B) OF THIS SECTION; AND

31 (II) CONDUCT AN INDEPENDENT INVESTIGATION OF THE ASSISTED  
32 LIVING PROGRAM APPLYING FOR LICENSURE.

33 (2) BASED ON THE REVIEW AND INVESTIGATION CONDUCTED UNDER  
34 PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL:

35 (I) AUTHORIZE THE UNCONDITIONAL APPROVAL OF THE  
36 APPLICATION;

1 (II) AUTHORIZE THE CONDITIONAL APPROVAL OF THE  
2 APPLICATION; OR

3 (III) DENY THE APPLICATION.

4 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN  
5 ASSISTED LIVING PROGRAM LICENSE IS VALID FOR 2 YEARS.

6 (2) THE SECRETARY MAY ISSUE AN INITIAL PROBATIONARY LICENSE  
7 THAT IS VALID FOR LESS THAN 2 YEARS.

8 SECTION 2. AND BE IT FURTHER ENACTED, That:

9 (a) (1) The Department of Health and Mental Hygiene, in consultation with  
10 a gerontologist, an expert in Alzheimer's Disease, and other interested stakeholders,  
11 shall develop a methodology based on resident need from criteria in the Resident  
12 Assessment Tool to determine when awake overnight staff and on-site nursing should  
13 be required in an assisted living program; and

14 (2) Nothing in this subsection shall prevent the Department of Health  
15 and Mental Hygiene from adopting regulations regarding on-site nursing or awake  
16 overnight staff based on criteria other than the methodology developed under  
17 paragraph (1) of this subsection.

18 (b) The Department of Health and Mental Hygiene shall submit an interim  
19 report on or before September 1, 2006 and a final report on or before December 1,  
20 2006, shall report to the Senate Finance Committee and the House Health and  
21 Government Operations Committee in accordance with § 2-1246 of the State  
22 Government Article on the development of the methodology required under  
23 subsection (a) of this section.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 June 1, 2006.