

# SENATE BILL 471

J2

9lr1238

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By: **Senator Kelley**

Introduced and read first time: February 4, 2009

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Managers - Certification Requirement**

3 FOR the purpose of establishing a certification process for assisted living managers;  
4 requiring the Department of Health and Mental Hygiene to require that  
5 assisted living managers be certified; renaming the Board of Nursing Home  
6 Administrators to be the Board of Nursing Home Administrators and Assisted  
7 Living Managers; altering the composition of the Board; altering the  
8 appointment process and qualifications for the executive director of the Board;  
9 requiring that certain individuals be certified by the Board before practicing as  
10 assisted living managers in the State; establishing certain qualification  
11 requirements for obtaining a certain certificate; providing a certain exemption  
12 for certain experience and training requirements; establishing certain  
13 application fees and requirements for obtaining a certificate; requiring the  
14 Board to keep a certain file on certain applications for certificates; establishing  
15 certain terms and procedures for the renewal and reinstatement of a certificate;  
16 establishing certain terms and conditions for an inactive certificate; prohibiting  
17 a certificate holder from surrendering a certificate under certain circumstances;  
18 authorizing the Board to deny a certificate to an applicant, reprimand a  
19 certificate holder, place a certificate holder on probation, or suspend or revoke a  
20 certificate under certain circumstances; providing for certain criminal and civil  
21 penalties, establishing certain hearing and appeal procedures for certificate  
22 holders; providing for certain vacancies on the Board; defining certain terms;  
23 and generally relating to certification requirements for assisted living  
24 managers.

25 BY renumbering

26 Article – Health Occupations

27 Section 9–317

28 to be Section 9–208

29 Annotated Code of Maryland

30 (2005 Replacement Volume and 2008 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 BY repealing and reenacting, without amendments,  
2 Article – Health – General  
3 Section 19–1801 and 19–1807  
4 Annotated Code of Maryland  
5 (2005 Replacement Volume and 2008 Supplement)
- 6 BY repealing and reenacting, with amendments,  
7 Article – Health – General  
8 Section 19–1805(a)  
9 Annotated Code of Maryland  
10 (2005 Replacement Volume and 2008 Supplement)
- 11 BY repealing and reenacting, with amendments,  
12 Article – Health Occupations  
13 Section 9–101, 9–201 through 9–203, 9–315 through 9–316.1, 9–401 through  
14 9–403, and 9–501 to be under the amended title “Title 9. Nursing Home  
15 Administrators and Assisted Living Managers”  
16 Annotated Code of Maryland  
17 (2005 Replacement Volume and 2008 Supplement)
- 18 BY repealing and reenacting, without amendments,  
19 Article – Health Occupations  
20 Section 9–102, 9–407, and 9–502  
21 Annotated Code of Maryland  
22 (2005 Replacement Volume and 2008 Supplement)
- 23 BY repealing and reenacting, with amendments,  
24 Article – Health Occupations  
25 Section 9–208  
26 Annotated Code of Maryland  
27 (2005 Replacement Volume and 2008 Supplement)  
28 (As enacted by Section 1 of this Act)
- 29 BY adding to  
30 Article – Health Occupations  
31 Section 9–3A–01 through 9–3A–15 to be under the new subtitle “Subtitle 3A.  
32 Certification of Assisted Living Managers”  
33 Annotated Code of Maryland  
34 (2005 Replacement Volume and 2008 Supplement)

35 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
36 MARYLAND, That Section(s) 9–317 of Article – Health Occupations of the Annotated  
37 Code of Maryland be renumbered to be Section(s) 9–208.

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

1 **Article – Health – General**

2 19–1801.

3 In this subtitle:

4 (1) “Assisted living program” means a residential or facility–based  
5 program that provides housing and supportive services, supervision, personalized  
6 assistance, health–related services, or a combination thereof that meets the needs of  
7 individuals who are unable to perform or who need assistance in performing the  
8 activities of daily living or instrumental activities of daily living in a way that  
9 promotes optimum dignity and independence for the individuals.

10 (2) “Assisted living program” does not include:

11 (i) A nursing home, as defined under § 19–301 of this title;

12 (ii) A State facility, as defined under § 10–101 of this article;

13 (iii) A program licensed by the Department under Title 7 or Title  
14 10 of this article;

15 (iv) A hospice care program regulated by the Department under  
16 Subtitle 9 of this title;

17 (v) Services provided by family members;

18 (vi) Services provided in an individual’s own home; or

19 (vii) A program certified by the Department of Human Resources  
20 under Title 6, Subtitle 5, Part II of the Human Services Article as a certified Adult  
21 Residential Environment Program.

22 19–1805.

23 (a) The Department shall:

24 (1) Define different levels of assisted living according to the level of  
25 care provided;

26 (2) Require all assisted living programs to be licensed to operate  
27 according to the level of the program;

28 (3) Develop a waiver process for authorizing an assisted living  
29 program to continue to care for an individual whose medical or functional condition  
30 has changed since admission to the program to an extent that the level of care  
31 required by the individual exceeds the level of care for which the program is licensed;

1 (4) Promote affordable and accessible assisted living programs  
2 throughout the State;

3 (5) Establish and enforce quality standards for assisted living  
4 programs;

5 (6) Require periodic inspections of assisted living program facilities,  
6 including at least an annual unannounced on-site inspection;

7 (7) Establish requirements for the qualifications or training or both of  
8 assisted living program employees **INCLUDING THAT ASSISTED LIVING MANAGERS**  
9 **BE CERTIFIED UNDER TITLE 9, SUBTITLE 3A OF THE HEALTH OCCUPATIONS**  
10 **ARTICLE;**

11 (8) Establish a “resident bill of rights” for residents of assisted living  
12 program facilities; and

13 (9) Define which, if any, assisted living programs may be exempt from  
14 the requirements of § 19–311 of this title.

15 19–1807.

16 (a) (1) Except as provided in subsection (d) of this section, by January 1,  
17 2006, an assisted living manager who is employed by an assisted living program that  
18 is licensed for 5 or more beds shall have completed a manager training course that is  
19 approved by the Department and includes an examination.

20 (2) The manager training course shall:

21 (i) Consist of at least 80 hours;

22 (ii) Require attendance or participation at training programs  
23 that provide for direct interaction between faculty and participants; and

24 (iii) Authorize a maximum of 25 hours of training through  
25 Internet courses, correspondence courses, tapes, or other training methods that do not  
26 require direct interaction between faculty and participants.

27 (b) An assisted living manager employed in a program that is licensed for 5  
28 or more beds shall be required to complete 20 hours of Department–approved  
29 continuing education every 2 years.

30 (c) In addition to the sanctions specified in COMAR 10.07.14.48, an assisted  
31 living program that fails to employ an assisted living manager who meets the  
32 requirements of this section may be subject to a civil money penalty not to exceed  
33 \$10,000.

1 (d) (1) The requirements of subsection (a) of this section do not apply to  
2 an individual who:

3 (i) Is employed by an assisted living program and has enrolled  
4 in a Department–approved manager training course that the individual expects to  
5 complete within 6 months;

6 (ii) Except as provided in paragraph (3) of this subsection, is  
7 temporarily serving as an assisted living manager, for no longer than 45 days, due to  
8 an assisted living manager leaving employment and prior to the hiring of a permanent  
9 assisted living manager; or

10 (iii) Subject to paragraph (2) of this subsection:

11 1. Has been employed as an assisted living manager in  
12 the State for 1 year prior to January 1, 2006; or

13 2. Is licensed as a nursing home administrator in the  
14 State.

15 (2) The Department may require an individual who is exempt under  
16 paragraph (1)(iii) of this subsection to complete a manager training course and  
17 examination if the Department finds that the assisted living manager repeatedly has  
18 violated State law or regulations on assisted living and that those violations have  
19 caused actual physical or emotional harm to a resident.

20 (3) An assisted living program may request an extension from the  
21 Department to allow an individual to serve as an assisted living manager for longer  
22 than 45 days if the assisted living program has shown good cause for the extension.

23 (e) The Department shall ensure that manager training courses approved by  
24 the Department are affordable and accessible to assisted living programs and to  
25 individuals seeking to enroll in the courses.

## 26 **Article – Health Occupations**

27 **Title 9. Nursing Home Administrators AND ASSISTED LIVING MANAGERS.**

28 9–101.

29 (a) In this title the following words have the meanings indicated.

30 (B) **“ASSISTED LIVING MANAGER” MEANS AN INDIVIDUAL EMPLOYED**  
31 **TO OVERSEE THE DAY–TO–DAY OPERATION OF AN ASSISTED LIVING PROGRAM**  
32 **LICENSED IN ACCORDANCE WITH TITLE 19, SUBTITLE 18 OF THE HEALTH**  
33 **– GENERAL ARTICLE.**

1           **(C) “ASSISTED LIVING PROGRAM” HAS THE MEANING STATED IN §**  
2 **19-1801 OF THE HEALTH – GENERAL ARTICLE.**

3           **[(b)] (D) “Board” means the State Board of Examiners of Nursing Home**  
4 **Administrators AND ASSISTED LIVING MANAGERS.**

5           **(E) “CERTIFICATE” MEANS, UNLESS THE CONTEXT REQUIRES**  
6 **OTHERWISE, A CERTIFICATE ISSUED BY THE BOARD TO PRACTICE AS AN**  
7 **ASSISTED LIVING MANAGER.**

8           **(F) “CERTIFIED ASSISTED LIVING MANAGER” MEANS, UNLESS THE**  
9 **CONTEXT REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS CERTIFIED BY THE**  
10 **BOARD TO PRACTICE AS AN ASSISTED LIVING MANAGER.**

11           **[(c)] (G) “License” means, unless the context requires otherwise, a license**  
12 **issued by the Board to practice as a nursing home administrator.**

13           **[(d)] (H) “Licensed nursing home administrator” means, unless the context**  
14 **requires otherwise, an individual who is licensed by the Board to practice as a nursing**  
15 **home administrator.**

16           **[(e)] (I) “Nursing home” means an institution or part of an institution that:**

17                   (1) Is a “skilled nursing facility” or an “intermediate care facility” as  
18 those terms are defined by federal law and participates in a program under Title XVIII  
19 or Title XIX of the Social Security Act; or

20                   (2) If it is licensed only by this State, otherwise meets the federal  
21 requirements for a “skilled nursing facility” or an “intermediate care facility” as those  
22 terms are defined by federal law.

23           **[(f)] (J) “Nursing home administrator” means an individual who**  
24 **administers, manages, or is in general administrative charge of a nursing home**  
25 **whether or not the individual:**

26                   (1) Has an ownership interest in the nursing home; or

27                   (2) Shares duties and functions with other individuals.

28 9–102.

29           This title does not limit the right of an individual to practice a health occupation  
30 that the individual is authorized to practice under this article.

31 9–201.

1           There is a State Board of Examiners of Nursing Home Administrators **AND**  
2 **ASSISTED LIVING MANAGERS** in the Department.

3 9–202.

4           (a)   (1)   The Board consists of 11 members.

5                   (2)   Of the 11 Board members:

6                           (i)   [Five] **THREE** members shall be licensed nursing home  
7 administrators who are practicing actively and have at least 5 years experience as  
8 licensed nursing home administrators, **ONE OF WHOM HAS EXPERIENCE WITH THE**  
9 **EDEN ALTERNATIVE GREEN HOUSE OR A SIMILAR PROGRAM;**

10                           (ii)   Two shall be [individuals who are not nursing home  
11 administrators but who are engaged actively in professions that are concerned with  
12 the care of chronically ill, infirm, or aged individuals; and] **CERTIFIED ASSISTED**  
13 **LIVING MANAGERS;**

14                           (iii) **ONE SHALL BE A PHYSICIAN WHO SPECIALIZES IN**  
15 **GERIATRICS;**

16                           (iv) **ONE SHALL BE A GERIATRIC NURSE PRACTITIONER;**

17                           (v) **ONE SHALL BE A GERIATRIC SOCIAL WORKER;**

18                           (vi) **ONE SHALL BE A PHARMACIST; AND**

19                           [(iii)] (vii) [Four] **TWO** shall be consumer members.

20                   (3)   Not more than two members may be officials or full-time  
21 employees of this State or of any of its political subdivisions.

22                   (4)   **A REPRESENTATIVE OF THE OFFICE OF HEALTH CARE**  
23 **QUALITY SHALL SERVE AS AN EX OFFICIO MEMBER.**

24           (b)   (1)   The Governor shall appoint the consumer members with the advice  
25 of the Secretary and the advice and consent of the Senate.

26                   (2)   (i)   Except for the consumer members, the Governor shall  
27 appoint each Board member, with the advice of the Secretary.

28                           (ii)   The Secretary shall make each recommendation after  
29 consulting with the associations and societies appropriate to the disciplines and  
30 professions representative of the vacancy to be filled.

1 (c) Each Board member shall:

2 (1) Be a United States citizen or have declared an intent to become a  
3 United States citizen; and

4 (2) Have resided in this State for at least 1 year before appointment to  
5 the Board.

6 (d) (1) Each consumer member of the Board:

7 [(1)] (I) Shall be a member of the general public;

8 [(2)] (II) May not be or ever have been a nursing home administrator  
9 or in training to become a nursing home administrator;

10 [(3)] (III) May not have a household member who is a nursing home  
11 administrator or in training to become a nursing home administrator;

12 [(4)] (IV) May not participate or ever have participated in a  
13 commercial or professional field related to the practice of a nursing home  
14 administrator;

15 [(5)] (V) May not have a household member who participates in a  
16 commercial or professional field related to the practice of a nursing home  
17 administrator; and

18 [(6)] (VI) May not have had within 2 years before appointment a  
19 substantial financial interest in a person regulated by the Board.

20 (2) (I) **ONE CONSUMER MEMBER SHALL HAVE PRESENTLY OR**  
21 **HAVE HAD A FAMILY MEMBER LIVING IN A NURSING HOME.**

22 (II) **ONE CONSUMER MEMBER SHALL HAVE PRESENTLY OR**  
23 **HAVE HAD A FAMILY MEMBER LIVING IN AN ASSISTED LIVING FACILITY.**

24 (e) While a member of the Board, a consumer member may not have a  
25 substantial financial interest in a person regulated by the Board.

26 (f) Before taking office, each appointee to the Board shall take the oath  
27 required by Article I, § 9 of the State Constitution.

28 (g) (1) The term of a member is 4 years.

29 (2) The terms of members are staggered as required by the terms  
30 provided for members of the Board on July 1, 1981.



1 (3) At the end of a term, a member continues to serve until a successor  
2 is appointed and qualifies.

3 (4) A member who is appointed after a term has begun serves only for  
4 the rest of the term and until a successor is appointed and qualifies.

5 (5) A member may not serve more than 2 consecutive full terms.

6 (6) To the extent practicable, the Governor shall fill any vacancy on  
7 the Board within 60 days of the date of the vacancy.

8 (h) (1) The Governor may remove a member for incompetence,  
9 misconduct, incapacity, or neglect of duty.

10 (2) Upon the recommendation of the Secretary, the Governor may  
11 remove a member whom the Secretary finds to have been absent from 2 successive  
12 Board meetings without adequate reason.

13 9–203.

14 (a) From among the Board members, the Governor shall appoint a chairman  
15 and vice chairman of the Board.

16 (b) (1) [With the consent of the Board, the] **THE** Board [chairman] shall  
17 appoint **AND THE SECRETARY SHALL CONFIRM** the Board executive director.

18 (2) The Board executive director may not be a member of the Board  
19 and serves at the pleasure of the Board.

20 (3) The Board executive director is the executive officer of the Board.

21 (4) **THE BOARD EXECUTIVE DIRECTOR SHALL HAVE A**  
22 **BACHELOR’S DEGREE.**

23 (c) The Board shall determine the duties of each officer.

24 9–208.

25 (a) In this section, [“nursing home administrator rehabilitation committee”]  
26 **“REHABILITATION COMMITTEE”** means a committee that:

27 (1) Is defined in subsection (b) of this section; and

28 (2) Performs any of the functions listed in subsection (d) of this  
29 section.

1 (b) For purposes of this section, a [nursing home administrator]  
2 rehabilitation committee is a committee of the Board or a committee of any association  
3 representing nursing home administrators **OR ASSISTED LIVING MANAGERS** that:

4 (1) Is recognized by the Board; and

5 (2) Includes but is not limited to nursing home administrators **AND**  
6 **ASSISTED LIVING MANAGERS**.

7 (c) A rehabilitation committee of the Board or recognized by the Board may  
8 function:

9 (1) Solely for the Board; or

10 (2) Jointly with a rehabilitation committee representing another board  
11 or boards.

12 (d) For purposes of this section, a [nursing home administrator]  
13 rehabilitation committee evaluates and provides assistance to any [nursing home  
14 administrator, and any other] individual regulated by the Board, in need of treatment  
15 and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical,  
16 emotional, or mental condition.

17 (e) (1) Except as otherwise provided in this subsection, the proceedings,  
18 records, and files of the [nursing home administrator] rehabilitation committee are  
19 not discoverable and are not admissible in evidence in any civil action arising out of  
20 matters that are being or have been reviewed and evaluated by the [nursing home  
21 administrator] rehabilitation committee.

22 (2) Paragraph (1) of this subsection does not apply to any record or  
23 document that is considered by the [nursing home administrator] rehabilitation  
24 committee and that otherwise would be subject to discovery or introduction into  
25 evidence in a civil action.

26 (3) For purposes of this subsection, civil action does not include a  
27 proceeding before the Board or judicial review of a proceeding before the Board.

28 (f) A person who acts in good faith and within the scope of jurisdiction of a  
29 [nursing home administrator] rehabilitation committee is not civilly liable for any  
30 action as a member of the [nursing home administrator] rehabilitation committee or  
31 for giving information to, participating in, or contributing to the function of the  
32 [nursing home administrator] rehabilitation committee.

33 9-315.

1 (a) Except as otherwise provided in the Administrative Procedure Act, before  
2 the Board takes any action under § 9–314 of this subtitle **OR § 9–3A–12 OF THIS**  
3 **TITLE**, it shall give the individual against whom the action is contemplated an  
4 opportunity for a hearing before the Board.

5 (b) The Board shall give notice and hold the hearing in accordance with the  
6 Administrative Procedure Act.

7 (c) Over the signature of an officer or the executive director of the Board, the  
8 Board may issue subpoenas and administer oaths in connection with any investigation  
9 under this title and any hearings or proceedings before it.

10 (d) If, without lawful excuse, a person disobeys a subpoena from the Board or  
11 an order by the Board to take an oath or to testify or answer a question, then, on  
12 petition of the Board, a court of competent jurisdiction may punish the person as for  
13 contempt of court.

14 (e) If after due notice the individual against whom the action is  
15 contemplated fails or refuses to appear, nevertheless the Board may hear and  
16 determine the matter.

17 9–316.

18 (a) Except as provided in this section for an action under § 9–314 of this  
19 subtitle **OR § 9–3A–12 OF THIS TITLE**, any person aggrieved by a final decision of the  
20 Board in a contested case, as defined in the Administrative Procedure Act, may:

21 (1) Appeal that decision to the Board of Review; and

22 (2) Then take any further appeal allowed by the Administrative  
23 Procedure Act.

24 (b) (1) Any person aggrieved by a final decision of the Board under §  
25 9–314 of this subtitle **OR § 9–3A–12 OF THIS TITLE** may not appeal to the Secretary  
26 or Board of Review but may take a direct judicial appeal.

27 (2) The appeal shall be made as provided for judicial review of final  
28 decisions in the Administrative Procedure Act.

29 (c) An order of the Board may not be stayed pending judicial review.

30 9–316.1.

31 (a) The Board may issue a cease and desist order for practicing nursing home  
32 administration without a license or with an unauthorized person or for supervising or  
33 aiding an unauthorized person in the practice of nursing home administration.

1 (b) (1) An action for aiding and abetting may be maintained in the name  
2 of the State or the Board to enjoin:

3 (i) The unauthorized practice of nursing home administration;  
4 or

5 (ii) Conduct that is a ground for disciplinary action under §  
6 9-314 of this subtitle **OR § 9-3A-12 OF THIS TITLE.**

7 (2) An action under this section may be brought by:

8 (i) The Board, in its own name;

9 (ii) The Attorney General, in the name of the State; or

10 (iii) A State's Attorney, in the name of the State.

11 (3) An action under this section shall be brought in the county where  
12 the defendant resides or engages in the acts sought to be enjoined.

13 (4) Proof of actual damage or that any person will sustain any damage  
14 if an injunction is not granted is not required for an action under this section.

15 (5) An action under this section is in addition to and not instead of  
16 criminal prosecution for the unauthorized practice of nursing home administration **OR**  
17 **ASSISTED LIVING MANAGEMENT** under § 9-401 of this title or disciplinary action  
18 under § 9-314 of this subtitle **OR § 9-3A-12 OF THIS TITLE.**

19 **SUBTITLE 3A. CERTIFICATION OF ASSISTED LIVING MANAGERS.**

20 **9-3A-01.**

21 **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL**  
22 **SHALL BE CERTIFIED BY THE BOARD BEFORE THE INDIVIDUAL MAY PRACTICE**  
23 **AS AN ASSISTED LIVING MANAGER IN THIS STATE.**

24 **9-3A-02.**

25 (A) **TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL:**

26 (1) **BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS**  
27 **SECTION;**

28 (2) **BE OF GOOD MORAL CHARACTER; AND**

29 (3) **BE AT LEAST 21 YEARS OLD.**

1           **(B) THE APPLICANT SHALL HAVE:**

2                   **(1) (I) A HIGH SCHOOL DIPLOMA;**

3                           **(II) A HIGH SCHOOL EQUIVALENCY DIPLOMA; OR**

4                           **(III) OTHER APPROPRIATE EDUCATION AS DETERMINED BY**  
5 **THE BOARD;**

6                   **(2) APPROPRIATE EXPERIENCE AS DETERMINED BY THE BOARD;**

7                           **(3) COMPLETED A MANAGER TRAINING COURSE AND**  
8 **SUCCESSFULLY PASSED AN EXAMINATION AS REQUIRED BY § 19-1807 OF THE**  
9 **HEALTH - GENERAL ARTICLE; AND**

10                   **(4) MET ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE**  
11 **BOARD.**

12           **(C) THE BOARD MAY ESTABLISH DIFFERENT APPLICANT**  
13 **REQUIREMENTS FOR THE DIFFERENT LEVELS OF CARE DEFINED IN**  
14 **ACCORDANCE WITH § 19-805(A)(1) OF THE HEALTH - GENERAL ARTICLE OR**  
15 **FOR FACILITIES LICENSED FOR DIFFERENT NUMBERS OF BEDS.**

16           **(D) THE BOARD MAY WAIVE THE EXPERIENCE AND TRAINING**  
17 **REQUIREMENTS UNDER THIS SECTION IN ACCORDANCE WITH § 19-1807(D) OF**  
18 **THE HEALTH - GENERAL ARTICLE.**

19 **9-3A-03.**

20           **TO APPLY FOR A CERTIFICATE, AN APPLICANT SHALL:**

21                   **(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT**  
22 **THE BOARD REQUIRES; AND**

23                   **(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE**  
24 **BOARD.**

25 **9-3A-04.**

26           **(A) THE BOARD SHALL KEEP A FILE OF EACH APPLICATION FOR A**  
27 **CERTIFICATE MADE UNDER THIS SUBTITLE.**

28           **(B) THE FILE SHALL CONTAIN:**

- 1           (1)    **THE NAME, ADDRESS, AND AGE OF THE APPLICANT;**
- 2           (2)    **THE NAME AND ADDRESS OF THE EMPLOYER OR BUSINESS**  
3 **CONNECTION OF THE APPLICANT;**
- 4           (3)    **THE DATE OF THE APPLICATION;**
- 5           (4)    **COMPLETE AND CURRENT INFORMATION ON THE**  
6 **EDUCATIONAL, TRAINING, AND EXPERIENCE QUALIFICATIONS OF THE**  
7 **APPLICANT;**
- 8           (5)    **THE DATE THE BOARD REVIEWED AND ACTED ON THE**  
9 **APPLICATION;**
- 10          (6)    **THE ACTION TAKEN BY THE BOARD ON THE APPLICATION;**
- 11          (7)    **THE IDENTIFYING NUMBERS OF ANY CERTIFICATE OR**  
12 **RENEWAL CERTIFICATE ISSUED TO THE APPLICANT; AND**
- 13          (8)    **ANY OTHER INFORMATION THAT THE BOARD CONSIDERS**  
14 **NECESSARY.**

15           (c)    **THE APPLICATION FILES SHALL BE OPEN TO PUBLIC INSPECTION.**

16   **9-3A-05.**

17           **THE BOARD SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS**  
18 **THE REQUIREMENTS OF THIS SUBTITLE.**

19   **9-3A-06.**

20           **THE APPLICANT MAY APPEAL A DECISION OF THE BOARD THAT RELATES**  
21 **TO ISSUING OR RENEWING A CERTIFICATE TO THE BOARD OF REVIEW AS**  
22 **PROVIDED IN § 9-316 OF THIS TITLE.**

23   **9-3A-07.**

24           **A CERTIFICATE AUTHORIZES THE CERTIFICATE HOLDER TO PRACTICE AS**  
25 **AN ASSISTED LIVING MANAGER WHILE THE CERTIFICATE IS EFFECTIVE.**

26   **9-3A-08.**

1           (A) A CERTIFICATE EXPIRES ON THE SECOND ANNIVERSARY OF ITS  
2 EFFECTIVE DATE, UNLESS THE CERTIFICATE IS RENEWED FOR A 2-YEAR TERM  
3 AS PROVIDED IN THIS SECTION.

4           (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE  
5 BOARD SHALL SEND TO THE CERTIFICATE HOLDER, BY FIRST-CLASS MAIL TO  
6 THE LAST KNOWN ADDRESS OF THE CERTIFICATE HOLDER, A RENEWAL NOTICE  
7 THAT STATES:

8                   (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

9                   (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
10 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED  
11 BEFORE THE CERTIFICATE EXPIRES; AND

12                   (3) THE AMOUNT OF THE RENEWAL FEE.

13           (C) BEFORE THE CERTIFICATE EXPIRES, THE CERTIFICATE HOLDER  
14 PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE  
15 CERTIFICATE HOLDER:

16                   (1) OTHERWISE IS ENTITLED TO BE CERTIFIED;

17                   (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD;  
18 AND

19                   (3) SUBMITS TO THE BOARD:

20                           (I) A RENEWAL APPLICATION ON THE FORM THAT THE  
21 BOARD REQUIRES; AND

22                           (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY  
23 CONTINUING EDUCATION AND OTHER QUALIFICATIONS AND REQUIREMENTS  
24 SET UNDER THIS SECTION FOR CERTIFICATE RENEWAL.

25           (D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND  
26 REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY SET  
27 CONTINUING EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF  
28 CERTIFICATES UNDER THIS SECTION.

29                   (2) IF A CONTINUING EDUCATION PROGRAM RELATES TO  
30 FEDERAL OR STATE REGULATION, POLICY AND PROCEDURES, OR LAW, THE  
31 BOARD, IN ITS SOLE DISCRETION, MAY GRANT A REQUEST FOR ACCREDITATION  
32 OF THE PROGRAM.

1           **(E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH**  
2 **CERTIFICATE HOLDER WHO MEETS THE REQUIREMENTS OF THIS SECTION.**

3 **9-3A-09.**

4           **(A) THE BOARD SHALL REINSTATE THE CERTIFICATE OF AN ASSISTED**  
5 **LIVING MANAGER WHO HAS FAILED TO RENEW THE CERTIFICATE FOR ANY**  
6 **REASON, IF THE CERTIFICATE HOLDER:**

7                   **(1) HAS NOT HAD THE CERTIFICATE SUSPENDED OR REVOKED;**

8                   **(2) MEETS THE RENEWAL REQUIREMENTS OF § 9-3A-08 OF THIS**  
9 **SUBTITLE;**

10                   **(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**  
11 **BOARD;**

12                   **(4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF**  
13 **COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED**  
14 **UNDER THIS SUBTITLE FOR CERTIFICATE REINSTATEMENTS; AND**

15                   **(5) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE**  
16 **CERTIFICATE WITHIN 5 YEARS AFTER THE CERTIFICATE EXPIRES.**

17           **(B) THE BOARD MAY NOT REINSTATE THE CERTIFICATE OF AN**  
18 **ASSISTED LIVING MANAGER WHO FAILS TO APPLY FOR REINSTATEMENT OF THE**  
19 **CERTIFICATE WITHIN 5 YEARS AFTER THE CERTIFICATE EXPIRES, UNLESS THE**  
20 **ASSISTED LIVING MANAGER BECOMES CERTIFIED BY MEETING THE CURRENT**  
21 **REQUIREMENTS FOR OBTAINING A NEW CERTIFICATE UNDER THIS SUBTITLE.**

22 **9-3A-10.**

23           **(A) IF AN INDIVIDUAL HAS BEEN CERTIFIED BY THE BOARD TO**  
24 **PRACTICE AS AN ASSISTED LIVING MANAGER IN THE STATE IN ACCORDANCE**  
25 **WITH THE REQUIREMENTS OF THIS SUBTITLE, THE INDIVIDUAL MAY BE**  
26 **CERTIFIED SUBSEQUENTLY AS AN ASSISTED LIVING MANAGER ON INACTIVE**  
27 **STATUS, RETAINING THE CERTIFICATE HOLDER'S ORIGINAL CERTIFICATE**  
28 **NUMBER.**

29           **(B) (1) THE BOARD SHALL PLACE A CERTIFICATE HOLDER ON**  
30 **INACTIVE STATUS IF THE CERTIFICATE HOLDER SUBMITS TO THE BOARD:**



1 (I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM  
2 REQUIRED BY THE BOARD; AND

3 (II) THE INACTIVE STATUS FEE SET BY THE BOARD.

4 (2) A CERTIFICATE HOLDER'S INACTIVE STATUS EXPIRES ON THE  
5 SECOND ANNIVERSARY OF ITS EFFECTIVE DATE, UNLESS THE CERTIFICATE  
6 HOLDER RENEWS THE INACTIVE STATUS FOR A 2-YEAR TERM AS PROVIDED IN  
7 THIS SECTION.

8 (3) THE BOARD SHALL PROVIDE A CERTIFICATE HOLDER WHO  
9 HAS COMPLIED WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS  
10 SUBSECTION WITH WRITTEN NOTIFICATION OF:

11 (I) THE DATE THAT THE CERTIFICATE HOLDER'S INACTIVE  
12 STATUS BECOMES EFFECTIVE;

13 (II) THE DATE THAT THE CERTIFICATE HOLDER'S 2-YEAR  
14 TERM OF INACTIVE STATUS EXPIRES; AND

15 (III) THE CONSEQUENCES OF:

16 1. NOT RENEWING INACTIVE STATUS BEFORE  
17 EXPIRATION OF THE 2-YEAR TERM OF INACTIVE STATUS; AND

18 2. NOT RESUMING ACTIVE STATUS WITHIN THE  
19 5-YEAR PERIOD OF INACTIVE STATUS, BEGINNING ON THE FIRST DAY OF  
20 INACTIVE STATUS.

21 (C) A CERTIFICATE HOLDER ON INACTIVE STATUS MAY NOT PRACTICE  
22 AS AN ASSISTED LIVING MANAGER IN THE STATE.

23 (D) THE BOARD SHALL ISSUE A CERTIFICATE TO A CERTIFICATE  
24 HOLDER WHO IS ON INACTIVE STATUS IF THE CERTIFICATE HOLDER:

25 (1) COMPLETES AN APPLICATION FORM FOR REACTIVATION OF A  
26 CERTIFICATE BEFORE EXPIRATION OF THE 2-YEAR TERM OF INACTIVE STATUS  
27 ON THE FORM REQUIRED BY THE BOARD;

28 (2) COMPLIES WITH THE RENEWAL REQUIREMENTS IN EFFECT AT  
29 THE TIME THE CERTIFICATE HOLDER SEEKS TO REACTIVATE THE LICENSE;

30 (3) MEETS THE CONTINUING EDUCATION REQUIREMENTS SET BY  
31 THE BOARD;

1           **(4) HAS NOT PRACTICED AS AN ASSISTED LIVING MANAGER IN**  
2 **THE STATE WHILE ON INACTIVE STATUS;**

3           **(5) PAYS ALL APPROPRIATE FEES SET BY THE BOARD;**

4           **(6) HAS BEEN ON INACTIVE STATUS FOR LESS THAN 5 YEARS; AND**

5           **(7) IS OTHERWISE ENTITLED TO BE CERTIFIED.**

6           **(E) BEFORE THE BOARD MAY REACTIVATE THE CERTIFICATE OF AN**  
7 **INDIVIDUAL WHO HAS BEEN ON INACTIVE STATUS FOR 5 YEARS OR MORE, THE**  
8 **INDIVIDUAL SHALL:**

9           **(1) SUBMIT A NEW APPLICATION;**

10          **(2) PAY ALL APPROPRIATE FEES SET BY THE BOARD;**

11          **(3) COMPLETE A BOARD-APPROVED MANAGER REFRESHER**  
12 **PROGRAM; AND**

13          **(4) PASS AN EXAMINATION APPROVED BY THE BOARD.**

14          **(F) AN ASSISTED LIVING MANAGER WHOSE INACTIVE CERTIFICATE**  
15 **EXPIRES BEFORE THE ASSISTED LIVING MANAGER RETURNS TO ACTIVE**  
16 **CERTIFICATION SHALL MEET THE REINSTATEMENT REQUIREMENTS OF §**  
17 **9-3A-09 OF THIS SUBTITLE.**

18 **9-3A-11.**

19          **(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A**  
20 **CERTIFICATE, A CERTIFIED ASSISTED LIVING MANAGER MAY NOT SURRENDER**  
21 **THE CERTIFICATE NOR MAY THE CERTIFICATE LAPSE BY OPERATION OF LAW**  
22 **WHILE THE CERTIFICATE HOLDER IS UNDER INVESTIGATION OR WHILE**  
23 **CHARGES ARE PENDING AGAINST THE CERTIFICATE HOLDER.**

24          **(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE**  
25 **ASSISTED LIVING MANAGER UNDER INVESTIGATION OR AGAINST WHOM**  
26 **CHARGES ARE PENDING TO ACCEPT SURRENDER OF CERTIFICATE.**

27 **9-3A-12.**

1           **(A) THE BOARD SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION**  
2 **AS TO ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT A**  
3 **CERTIFICATE HOLDER HAS FAILED TO MEET ANY STANDARD OF THE BOARD.**

4           **(B) SUBJECT TO THE HEARING PROVISIONS OF § 9-315 OF THIS TITLE,**  
5 **THE BOARD MAY DENY A CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY**  
6 **CERTIFICATE HOLDER, PLACE ANY CERTIFICATE HOLDER ON PROBATION,**  
7 **SUSPEND OR REVOKE A CERTIFICATE, OR IMPOSE A CIVIL FINE IF THE**  
8 **APPLICANT OR CERTIFICATE HOLDER:**

9                   **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**  
10 **OBTAIN A CERTIFICATE FOR THE CERTIFICATE HOLDER OR FOR ANOTHER;**

11                   **(2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;**

12                   **(3) OTHERWISE FAILS TO MEET SUBSTANTIALLY THE STANDARDS**  
13 **OF PRACTICE ADOPTED BY THE BOARD;**

14                   **(4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE**  
15 **TO A FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT**  
16 **ANY APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR**  
17 **PLEA SET ASIDE;**

18                   **(5) PROVIDES PROFESSIONAL SERVICES WHILE:**

19                           **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**

20                           **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**  
21 **SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR**  
22 **OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT**  
23 **VALID MEDICAL INDICATION;**

24                   **(6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY**  
25 **AUTHORITY OF ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED**  
26 **BY A COURT OF ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS**  
27 **FOR DISCIPLINARY ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;**

28                   **(7) PRACTICES ASSISTED LIVING MANAGEMENT WITH AN**  
29 **UNAUTHORIZED PERSON OR SUPERVISES OR AIDS AN UNAUTHORIZED PERSON**  
30 **IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT;**

31                   **(8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN**  
32 **THE PRACTICE OF ASSISTED LIVING MANAGEMENT;**

1           **(9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS**  
2 **REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR**  
3 **RECORDING OF THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR**  
4 **RECORD THE REPORT;**

5           **(10) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;**

6           **(11) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE**  
7 **CERTIFICATE HOLDER'S PRACTICE AS AN ASSISTED LIVING MANAGER; OR**

8           **(12) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**  
9 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**  
10 **SERVICES FOR WHICH THE CERTIFICATE HOLDER IS CERTIFIED AND QUALIFIED**  
11 **TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE.**

12 **9-3A-13.**

13           **(A) (1) IF, AFTER A HEARING UNDER § 9-315 OF THIS TITLE, THE**  
14 **BOARD FINDS THAT THERE ARE GROUNDS UNDER § 9-3A-12 OF THIS SUBTITLE**  
15 **TO REPRIMAND A CERTIFICATE HOLDER, PLACE A CERTIFICATE HOLDER ON**  
16 **PROBATION, OR SUSPEND OR REVOKE A CERTIFICATE, THE BOARD MAY IMPOSE**  
17 **A CIVIL FINE:**

18                           **(I) INSTEAD OF SUSPENDING OR REVOKING THE**  
19 **CERTIFICATE; OR**

20                           **(II) IN ADDITION TO PLACING THE CERTIFICATE HOLDER**  
21 **ON PROBATION OR SUSPENDING OR REVOKING THE CERTIFICATE.**

22           **(2) A CIVIL FINE IMPOSED UNDER THIS SUBSECTION MAY NOT**  
23 **EXCEED:**

24                           **(I) \$1,000 FOR A FIRST VIOLATION; AND**

25                           **(II) \$5,000 FOR ANY SUBSEQUENT VIOLATION OF THE SAME**  
26 **PROVISION.**

27           **(B) IF, AFTER DISCIPLINARY PROCEDURES HAVE BEEN BROUGHT**  
28 **AGAINST A CERTIFICATE HOLDER, THE CERTIFICATE HOLDER WAIVES THE**  
29 **RIGHT TO A HEARING REQUIRED UNDER THIS TITLE AND IF THE BOARD FINDS**  
30 **THAT THERE ARE GROUNDS UNDER § 9-3A-12 OF THIS SUBTITLE TO**  
31 **REPRIMAND THE CERTIFICATE HOLDER, PLACE THE CERTIFICATE HOLDER ON**  
32 **PROBATION, OR SUSPEND OR REVOKE A CERTIFICATE, THE BOARD, IN**  
33 **ADDITION TO REPRIMANDING THE CERTIFICATE HOLDER, PLACING THE**

1 CERTIFICATE HOLDER ON PROBATION, OR SUSPENDING OR REVOKING THE  
2 CERTIFICATE, MAY IMPOSE:

3 (1) A CIVIL FINE NOT EXCEEDING \$1,000 FOR A FIRST VIOLATION;  
4 AND

5 (2) A CIVIL FINE NOT EXCEEDING \$5,000 FOR ANY SUBSEQUENT  
6 VIOLATION OF THE SAME PROVISION.

7 (C) THE BOARD SHALL PAY ANY CIVIL FINE COLLECTED UNDER THIS  
8 SECTION INTO THE GENERAL FUND OF THE STATE.

9 **9-3A-14.**

10 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE  
11 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 9-3A-12  
12 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION  
13 IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD IN  
14 ACCORDANCE WITH § 9-315 OF THIS TITLE.

15 (B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD  
16 UNDER § 9-3A-12 OF THIS SUBTITLE MAY APPEAL IN ACCORDANCE WITH §  
17 9-316 OF THIS TITLE.

18 **9-3A-15.**

19 (A) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR  
20 PRACTICING ASSISTED LIVING MANAGEMENT WITHOUT A CERTIFICATE OR WITH  
21 AN UNAUTHORIZED PERSON OR FOR SUPERVISING OR AIDING AN  
22 UNAUTHORIZED PERSON IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT.

23 (B) (1) AN ACTION FOR AIDING AND ABETTING MAY BE MAINTAINED  
24 IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

25 (I) THE UNAUTHORIZED PRACTICE OF ASSISTED LIVING  
26 MANAGEMENT; OR

27 (II) CONDUCT THAT IS A GROUND FOR DISCIPLINARY  
28 ACTION UNDER § 9-3A-12 OF THIS SUBTITLE.

29 (2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT IN  
30 ACCORDANCE WITH § 9-316.1(B) OF THIS TITLE.

31 **9-401.**

1           (A) Except as otherwise provided in this title, an individual may not:

2                   (1) Practice, attempt to practice, or offer to practice as a nursing home  
3 administrator in this State unless licensed by the Board; or

4                   (2) Supervise, direct, induce, or aid an unlicensed individual to  
5 practice as a nursing home administrator.

6           **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL**  
7 **MAY NOT:**

8                   **(1) PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE**  
9 **AS AN ASSISTED LIVING MANAGER IN THIS STATE UNLESS CERTIFIED BY THE**  
10 **BOARD; OR**

11                   **(2) SUPERVISE, DIRECT, INDUCE, OR AID AN UNLICENSED**  
12 **INDIVIDUAL TO PRACTICE AS AN ASSISTED LIVING MANAGER.**

13 9-402.

14           (a) **(1)** Unless authorized to practice as a nursing home administrator  
15 under this title, a person may not represent to the public by title, by description of  
16 services, methods, or procedures, or otherwise, that the person is authorized to  
17 practice as a nursing home administrator in this State.

18           **[(b)] (2)** Unless authorized to practice under this title, a person may not use  
19 the title “nursing home administrator”, or the abbreviation “N.H.A.” or any other  
20 designation, title, or abbreviation with the intent to represent that the person is  
21 authorized to practice as a nursing home administrator.

22           **(B) (1) UNLESS AUTHORIZED TO PRACTICE AS AN ASSISTED LIVING**  
23 **MANAGER UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO THE PUBLIC**  
24 **BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR**  
25 **OTHERWISE, THAT THE PERSON IS AUTHORIZED TO PRACTICE AS AN ASSISTED**  
26 **LIVING MANAGER IN THIS STATE.**

27                   **(2) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A**  
28 **PERSON MAY NOT USE THE TITLE “ASSISTED LIVING MANAGER” OR ANY OTHER**  
29 **DESIGNATION, TITLE, OR ABBREVIATION WITH THE INTENT TO REPRESENT**  
30 **THAT THE PERSON IS AUTHORIZED TO PRACTICE AS AN ASSISTED LIVING**  
31 **MANAGER.**

32 9-403.

33           (A) A person may not:

1 (1) Sell or fraudulently obtain or furnish or aid in selling or  
2 fraudulently obtaining or furnishing a license issued under this title; or

3 (2) Practice as a nursing home administrator under any license  
4 unlawfully or fraudulently obtained or unlawfully issued.

5 (B) **A PERSON MAY NOT:**

6 (1) **SELL OR FRAUDULENTLY OBTAIN OR FURNISH OR AID IN**  
7 **SELLING OR FRAUDULENTLY OBTAINING OR FURNISHING A CERTIFICATE**  
8 **ISSUED UNDER THIS TITLE; OR**

9 (2) **PRACTICE AS AN ASSISTED LIVING MANAGER UNDER ANY**  
10 **CERTIFICATE UNLAWFULLY OR FRAUDULENTLY OBTAINED OR UNLAWFULLY**  
11 **ISSUED.**

12 9-407.

13 (a) A person who violates any provision of this title is guilty of a  
14 misdemeanor and on conviction is subject to:

15 (1) A fine not exceeding \$1,000 for a first offense; and

16 (2) A fine not exceeding \$5,000 or imprisonment not exceeding 6  
17 months or both for any subsequent violation of the same provision.

18 (b) The Board shall pay any fine collected under this section into the General  
19 Fund of the State.

20 9-501.

21 This title may be cited as the "Maryland Nursing Home Administrators  
22 [Licensing] **AND ASSISTED LIVING MANAGERS Act**".

23 9-502.

24 Subject to the evaluation and reestablishment provisions of the Program  
25 Evaluation Act, this title and all rules and regulations adopted under this title shall  
26 terminate and be of no effect after July 1, 2013.

27 SECTION 3. AND BE IT FURTHER ENACTED, That on or after October 1,  
28 2009:

29 (1) The first two nursing home administrator positions on the Board of  
30 Nursing Home Administrators and Assisted Living Managers that becomes vacant  
31 shall be filled by certified assisted living managers;

1           (2)    The third nursing home administrator position on the Board that  
2 becomes vacant shall be filled with a nursing home administrator who has experience  
3 with the Eden Alternative Green House or a similar program;

4           (3)    The first related professional position on the Board that becomes  
5 vacant shall be filled by a physician who specializes in geriatrics;

6           (4)    The second related professional position on the Board that becomes  
7 vacant shall be filled by a geriatric nurse practitioner;

8           (5)    The first consumer position on the Board that becomes vacant shall  
9 be filled by a geriatric social worker;

10          (6)    The second consumer position on the Board that becomes vacant  
11 shall be filled by a pharmacist;

12          (7)    The third consumer position on the Board that becomes vacant  
13 shall be filled by a consumer that has or has had a family member living in a nursing  
14 home; and

15          (8)    The fourth consumer position on the Board that becomes vacant  
16 shall be filled by a consumer that has or has had a family member living in an assisted  
17 living facility.

18                SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
19 October 1, 2009.