

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 290
Finance

(Senator Exum, *et al.*)

Economic Matters

Assisted Living Programs - Elevator Installation - Exemption

This bill exempts an assisted living program with five or fewer beds that is licensed by the Department of Health and Mental Hygiene from the registration and inspection requirements for installing an elevator. The Commissioner of Labor and Industry may adopt regulations to enhance the safety of elevator units in these facilities.

Fiscal Summary

State Effect: Promulgation of any regulations can be handled with the existing budgeted resources of the Department of Labor, Licensing, and Regulation (DLLR).

Local Effect: None.

Small Business Effect: Potential meaningful. Expenditures for small business assisted living programs that wish to install an elevator decline by a potentially significant amount.

Analysis

Current Law/Background: An assisted living program is a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination thereof that meets the needs of individuals who are unable to perform or who need assistance in performing the activities of daily living or instrumental activities of daily living in a way that promotes optimum dignity and independence for the individuals. There are currently 1,416 assisted living facilities in the State, of which 715 have five or fewer beds.

With the exception of elevators installed in privately owned single-family residences or buildings or structures under federal control, each elevator unit in the State must be inspected, tested, and maintained in a safe operating condition in accordance with the Safety Code and any regulations adopted by the Commissioner of Labor and Industry. An elevator unit may not be operated unless the unit is registered with the commissioner and a certificate is issued by the commissioner. The commissioner must accept certificates of inspection from a political subdivision or municipal corporation.

The commissioner must conduct a final acceptance inspection on completion of the installation, modification, or alteration of an elevator unit before it is placed in service. At least 15 days before a scheduled final acceptance inspection for an elevator unit being installed, modified, or altered, the contractor, owner, or lessee must submit to the commissioner a written certification that (1) the elevator plans and construction documents have been reviewed by a third-party qualified elevator inspector; (2) the third-party qualified elevator inspector has certified that the elevator unit as constructed and installed complies with existing laws, regulations, and the Safety Code; and (3) the elements indicated on the inspection checklist are operational, have been tested, and are functional.

According to DLLR, installation of a new, two-stop elevator in full compliance with State law and regulation may cost between \$30,000 and \$40,000. Other, noncompliant limited service elevators can be installed for much less. Elevators exempt from compliance are not required to meet rescue litter size provisions related to patient transport.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene; Department of Labor, Licensing, and Regulation; Department of Legislative Services

Fiscal Note History: First Reader - February 25, 2009
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