

# SENATE BILL 204

J3, J1

(PRE-FILED)

1lr1096  
CF HB 416

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By: **Senator Beidle**

Requested: October 23, 2020

Introduced and read first time: January 13, 2021

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 16, 2021

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Care Facilities – Assisted Living Programs – ~~Memory Care and~~**  
3 **~~Alzheimer’s Disease Unit~~ Regulations**

4 FOR the purpose of requiring that the Maryland Department of Health adopt certain  
5 regulations that establish specific standards governing memory care and  
6 Alzheimer’s disease units in assisted living programs, ~~including certain training~~  
7 ~~requirements, certain staffing pattern requirements, certain activity requirements,~~  
8 ~~certain admissions and discharge criteria, and certain other procedures,~~ and that  
9 require compliance by assisted living programs with the standards; ~~defining certain~~  
10 ~~terms defining a certain term; requiring the Department to adopt certain regulations~~  
11 on or before a certain date; and generally relating to assisted living programs.

12 BY adding to

13 Article – Health – General

14 Section 19–1805(c)

15 Annotated Code of Maryland

16 (2019 Replacement Volume and 2020 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Health – General**

20 19–1805.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (C) (1) ~~(H)~~ IN THIS SUBSECTION ~~THE FOLLOWING WORDS HAVE THE~~  
 2 ~~MEANINGS INDICATED.~~

3 ~~(H)~~ ~~“DIRECT CARE STAFF”~~ MEANS, “DIRECT CARE STAFF”  
 4 MEANS AN EMPLOYEE, A VOLUNTEER, OR A CONTRACTUAL EMPLOYEE WHO  
 5 PROVIDES TO RESIDENTS:

6 ~~1.~~ (I) MEDICATION ADMINISTRATION OR ASSISTANCE;

7 ~~2.~~ (II) ASSISTANCE WITH AMBULATION AND TRANSFER;

8 ~~3.~~ (III) ESSENTIAL ACTIVITIES OF DAILY LIVING; OR

9 ~~4.~~ (IV) ANY OTHER LIMITED NURSING SERVICES.

10 ~~(H)~~ ~~“LIMITED NURSING SERVICES”~~ MEANS ~~THE ASSESSMENT OF~~  
 11 ~~THE PHYSICAL, MENTAL, AND EMOTIONAL STATUS OF AN INDIVIDUAL TO~~  
 12 ~~DETERMINE THE APPROPRIATE LEVEL OF CARE FOR THE INDIVIDUAL, AND THE~~  
 13 ~~PROVISION OF NURSING CARE WITHIN THE DIRECT CARE STAFF’S SCOPE OF~~  
 14 ~~PRACTICE, WHICH CAN BE COMPLETED WITHIN 7 DAYS OR INTERMITTENTLY.~~

15 (2) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT:

16 (I) ESTABLISH SPECIFIC STANDARDS GOVERNING MEMORY  
 17 CARE AND ALZHEIMER’S DISEASE UNITS IN ASSISTED LIVING PROGRAMS,  
 18 INCLUDING:

19 1. ~~STAFF TRAINING REQUIREMENTS, INCLUDING THE~~  
 20 THE NUMBER OF HOURS AND TOPIC CONTENT OF DEMENTIA-SPECIFIC TRAINING  
 21 THAT IS REQUIRED TO BE COMPLETED ANNUALLY BY ADMINISTRATORS AND DIRECT  
 22 CARE STAFF ASSIGNED TO A SPECIAL CARE UNIT; AND

23 2. ~~STAFFING PATTERN REQUIREMENTS, INCLUDING A~~ A  
 24 DIRECT CARE STAFF STANDARD ~~AND NURSING STAFF RATIO~~ ADEQUATE TO MEET  
 25 THE NEEDS OF ~~RESIDENTS DURING WAKING AND NONWAKING HOURS;~~ RESIDENTS;  
 26 AND

27 ~~3. APPROPRIATE FREQUENCY AND TYPE OF ACTIVITIES~~  
 28 ~~FOR RESIDENTS, INCLUDING:~~

29 ~~A. THE NUMBER OF HOURS AND TRAINING~~  
 30 ~~REQUIREMENTS FOR THE INDIVIDUAL WHO OVERSEES THE ACTIVITIES; AND~~

~~B. ADJUSTING ACTIVITIES TO REDUCE SOCIAL ISOLATION OF RESIDENTS DURING A DISEASE OUTBREAK INVESTIGATION;~~

~~4. PROCEDURES THAT ARE BEYOND THOSE PROCEDURES HISTORICALLY PROVIDED FOR IN AN ASSISTED LIVING PROGRAM, INCLUDING FREQUENCY OF NIGHTTIME BED CHECKS TO PREVENT DANGEROUS EVENTS AMONG RESIDENTS; AND~~

~~5. ADMISSIONS AND DISCHARGE CRITERIA AND PROCEDURES, INCLUDING THE APPROPRIATENESS OF PLACEMENT AND CONTINUED RESIDENCE IN THE SPECIAL CARE UNIT; AND~~

(II) REQUIRE COMPLIANCE BY ASSISTED LIVING PROGRAMS WITH THE STANDARDS ESTABLISHED UNDER ITEM (I) OF THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) on or before December 1, 2022, subject to item (2) of this section, the Maryland Department of Health shall adopt the regulations for Assisted Living Programs (COMAR 10.07.14) that are in draft form, closed for comment, and undergoing internal review and are on the Department’s website as of the effective date of this Act; and

(2) the regulations adopted under item (1) of this section shall include the regulations required under § 19–1805(c) of the Health – General Article, as enacted by Section 1 of this Act.

~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.