

HB0972/393029/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 972

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “**Delegate Kelly**” and substitute “**Delegates Kelly, Bagnall, Belcastro, Bhandari, Carr, Chisholm, Cullison, Hill, Johnson, Kaiser, Kerr, Kipke, Krebs, Landis, R. Lewis, Morgan, Reilly, Rosenberg, Saab, Szeliga, and K. Young**”; in line 6, after “fees;” insert “establishing an exception to certain application requirements for certain continuing care at home providers;”; and after line 12, insert:

“BY repealing and reenacting, with amendments,

Article - Human Services

Section 10-458

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 13, insert:

“Article – Human Services

10–458.

(a) A provider may not provide continuing care at home services until the Department issues a certificate of registration to the provider.

(b) An application for a certificate of registration shall:

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(1) be filed in a form satisfactory to the Department; and

(2) include at least the following information:

(i) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, verification that the required number of agreements has been executed and the corresponding deposits collected;

(ii) the form and substance of any proposed advertisements, advertising campaigns, or other promotional materials for the program that are available at the time of filing and that have not been filed previously with the Department;

(iii) verification that any other license or certificate required by other appropriate State units has been issued to the provider; and

(iv) any other information that the Department requires.

(c) The Department shall issue a certificate of registration to a provider if the Department determines that:

(1) the information and documents submitted with the feasibility study and application for a preliminary certificate of registration are current and accurate or have been updated to make them accurate;

(2) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, the required number of agreements has been executed and the corresponding deposits collected;

(3) any other license or certificate required by other appropriate State units has been issued to the provider;

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(4) the provider has submitted all proposed advertisements, advertising campaigns, and other promotional materials for the program;

(5) the form and substance of all advertisements, advertising campaigns, and other promotional materials submitted are not deceptive, misleading, or likely to mislead; and

(6) the provider has submitted any other information that the Department required.

(D) SUBSECTIONS (B)(2)(I) AND (C)(2) OF THIS SECTION DO NOT APPLY TO A PROVIDER OF CONTINUING CARE AT HOME SERVICES THAT:

(1) MEETS ANY RESERVE REQUIREMENTS; AND

(2) UNTIL THE PROVIDER HAS ENROLLED THE MINIMUM NUMBER OF SUBSCRIBERS NEEDED FOR ITS REVENUES TO EQUAL ITS EXPENSES:

(I) HOLDS IN ESCROW THE ENTIRETY OF ALL ENTRANCE FEES; OR

(II) MAINTAINS A SURETY BOND OF \$1,000,000 OR AN EQUIVALENT REPLACEMENT SECURITY SUCH AS CASH, IRREVOCABLE LETTERS OF CREDIT, CERTIFICATES OF DEPOSIT, OR TREASURY BILLS.

[(d)] (E) If a provider intends to advertise before the Department issues a certificate of registration under subsection (c) of this section, the provider shall submit to the Department any advertisement, advertising campaign, or other promotional materials before using it.

[(e)] (F) If a certificate of registration is not issued to a provider within 24 months after the Department approves a feasibility study, or a longer time allowed by

(Over)

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the Department for good cause shown, the provider shall refund all deposits collected and stop offering continuing care at home services under that application.”.