

SENATE BILL 720

J2, 02
HB 707/20 – HGO

2lr1715
CF HB 1034

By: **Senators Kelley, Augustine, ~~and Feldman~~ Feldman, Beidle, and Benson**

Introduced and read first time: February 7, 2022

Assigned to: Education, Health, and Environmental Affairs

Reassigned: Finance, February 10, 2022

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 13, 2022

CHAPTER _____

1 AN ACT concerning

2 **State Board of Examiners of Nursing Home Administrators – Renaming ~~and~~,**
3 **Licensure of Assisted Living Managers, and Penalties**

4 FOR the purpose of renaming the State Board of Examiners of Nursing Home
5 Administrators to be the State Board of Long-Term Care Administrators and
6 establishing a licensing and regulatory system for assisted living managers under
7 the Board; requiring the Office of Health Care Quality, beginning on a certain date,
8 to notify the Board of the appointment of an assisted living program as a resident’s
9 representative payee; establishing a civil penalty for taking certain actions related
10 to practicing as a nursing home administrator or an assisted living manager without
11 a license; and generally relating to ~~the licensing of assisted living managers and~~ the
12 State Board of Long-Term Care Administrators.

13 BY renumbering

14 Article – Health Occupations

15 Section 9–317

16 to be Section 9–208

17 Annotated Code of Maryland

18 (2021 Replacement Volume)

19 BY repealing and reenacting, with amendments,

20 Article – Commercial Law

21 Section 13–4B–01(c)

22 Annotated Code of Maryland

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 (2013 Replacement Volume and 2021 Supplement)

2 BY repealing and reenacting, with amendments,
 3 Article – Health – General
 4 Section 19–1807
 5 Annotated Code of Maryland
 6 (2019 Replacement Volume and 2021 Supplement)

7 BY repealing and reenacting, with amendments,
 8 Article – Health Occupations
 9 Section 9–101; 9–201 and 9–202 to be under the amended subtitle “Subtitle 2. State
 10 Board of Long–Term Care Administrators”; ~~9–315 to be under the amended~~
 11 ~~subtitle “Subtitle 3. Nursing Home Administrators”~~; and 9–401 through
 12 9–403, and 9–501 to be under the amended title “Title 9. Nursing Home
 13 Administrators and Assisted Living Managers”
 14 Annotated Code of Maryland
 15 (2021 Replacement Volume)

16 BY repealing and reenacting, with amendments,
 17 Article – Health Occupations
 18 Section 9–208
 19 Annotated Code of Maryland
 20 (2021 Replacement Volume)
 21 (As enacted by Section 1 of this Act)

22 BY adding to
 23 Article – Health Occupations
 24 Section 9–209; 9–3A–01 through 9–3A–18 to be under the new subtitle “Subtitle 3A.
 25 Assisted Living Managers”; and 9–405
 26 Annotated Code of Maryland
 27 (2021 Replacement Volume)

28 BY repealing and reenacting, without amendments,
 29 Article – Health Occupations
 30 Section 9–315 to be under the amended subtitle “Subtitle 3. Nursing Home
 31 Administrators”
 32 Annotated Code of Maryland
 33 (2021 Replacement Volume)

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

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

39 Article – Commercial Law

1 13-4B-01.

2 (c) The Office of Health Care Quality shall notify the Division AND, BEGINNING
3 OCTOBER 1, 2024, THE STATE BOARD OF LONG-TERM CARE ADMINISTRATORS of
4 the appointment of an assisted living program as a resident's representative payee within
5 a reasonable time after being made aware of the appointment.

6 **Article - Health - General**

7 19-1807.

8 (a) (1) Except as provided in subsection (d) of this section, [by January 1,
9 2006,] an assisted living manager who is employed by an assisted living program [that is
10 licensed for 5 or more beds] shall have completed a manager training course that is
11 approved by the Department and includes an examination.

12 (2) The manager training course shall:

13 (i) Consist of at least 80 hours;

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

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

19 (b) An assisted living manager employed [in] BY a program [that is licensed for
20 5 or more beds] shall be required to complete 20 hours of Department-approved continuing
21 education every 2 years.

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

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

27 (i) Is employed by an assisted living program and has enrolled in a
28 Department-approved manager training course that the individual expects to complete
29 within 6 months;

30 (ii) [Except as provided in paragraph (3) of this subsection, is] IS
31 temporarily serving as an assisted living manager[, for no longer than 45 days.] UNDER §

1 9-3A-01 OF THE HEALTH OCCUPATIONS ARTICLE due to an assisted living manager
 2 leaving employment and prior to the hiring of a permanent assisted living manager; or

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

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

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

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

12 [(3) An assisted living program may request an extension from the
 13 Department to allow an individual to serve as an assisted living manager for longer than
 14 45 days if the assisted living program has shown good cause for the extension.]

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

18 Article – Health Occupations

19 Title 9. Nursing Home Administrators AND ASSISTED LIVING MANAGERS.

20 9-101.

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

22 (B) “ASSISTED LIVING MANAGER” MEANS AN INDIVIDUAL WHO OVERSEES
 23 AND IS RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF AN ASSISTED LIVING
 24 PROGRAM.

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

27 [(b)] (D) “Board” means the State Board of [Examiners of Nursing Home]
 28 LONG-TERM CARE Administrators.

29 (E) “FAMILY MEMBER” MEANS:

30 (1) A SPOUSE;

- 1 **(2) A CHILD;**
2 **(3) A SIBLING;**
3 **(4) A PARENT;**
4 **(5) A GRANDPARENT;**
5 **(6) A NIECE OR NEPHEW; OR**
6 **(7) AN UNCLE OR AUNT.**

7 **[(c) (F)** “License” means, unless the context requires otherwise[, a]:

8 **(1) A license issued by the Board to practice as a nursing home**
9 **administrator UNDER SUBTITLE 3 OF THIS TITLE; OR**

10 **(2) A LICENSE ISSUED BY THE BOARD TO PRACTICE AS AN ASSISTED**
11 **LIVING MANAGER UNDER SUBTITLE 3A OF THIS TITLE.**

12 **(G) “LICENSED ASSISTED LIVING MANAGER” MEANS, UNLESS THE CONTEXT**
13 **REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO**
14 **PRACTICE AS AN ASSISTED LIVING MANAGER.**

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

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

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

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

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

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

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

1 Subtitle 2. State Board of [Examiners of Nursing Home] **LONG-TERM CARE**
 2 Administrators.

3 9-201.

4 There is a State Board of [Examiners of Nursing Home] **LONG-TERM CARE**
 5 Administrators in the Department.

6 9-202.

7 (a) (1) The Board consists of [14] **17** members.

8 (2) Of the [14] Board members:

9 (i) ~~Six~~ **FIVE** shall be licensed nursing home administrators, one of
 10 whom has experience with the Eden Alternative Green House or a similar program, if
 11 practicable;

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

15 **(III) 1. BEFORE OCTOBER 1, 2024, ~~THREE~~ FIVE SHALL BE**
 16 ~~ASSISTED LIVING MANAGERS~~ **INDIVIDUALS WHO HAVE:**

17 **A. COMPLETED THE MANAGER TRAINING COURSE**
 18 **REQUIRED UNDER ~~§ 19-1807~~ § 19-1807(A) OF THE HEALTH - GENERAL ARTICLE OR**
 19 **ARE EXEMPT FROM THE REQUIREMENT UNDER § 19-1807(D) OF THE HEALTH -**
 20 **GENERAL ARTICLE; AND**

21 **B. ~~ACTIVELY PRACTICED FOR~~ BEEN ACTIVELY**
 22 **EMPLOYED BY AN ASSISTED LIVING PROGRAM; AND**

23 **2. ON OR AFTER OCTOBER 1, 2024, ~~THREE~~ FIVE SHALL**
 24 **BE LICENSED ASSISTED LIVING MANAGERS;**

25 [(iii)] **(IV)** One shall be a physician or a nurse practitioner who
 26 specializes in geriatrics;

27 [(iv)] **(V)** One shall be a geriatric social worker;

28 [(v)] **(VI)** One shall be the State Long-Term Care Ombudsman
 29 designated under § 10-903 of the Human Services Article; and

30 [(vi)] **(VII)** Two shall be consumer members.

1 (3) Not more than three members may be officials or full-time employees
2 of this State or of any of its political subdivisions.

3 (4) A representative of the Office of Health Care Quality shall serve as an
4 ex officio member.

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

7 (2) (i) Except for the consumer members and the State Long-Term
8 Care Ombudsman, the Governor shall appoint each Board member, with the advice of the
9 Secretary.

10 (ii) The Secretary shall recommend a professional who:

11 1. Is actively practicing;

12 2. Has a minimum of 5 years of appropriate practice
13 experience in the discipline of the vacancy to be filled; and

14 3. Otherwise meets the requirements of this section.

15 (c) Each Board member shall:

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

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

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

21 (i) Shall be a member of the general public;

22 (ii) May not be or ever have been a nursing home administrator **OR**
23 **AN ASSISTED LIVING MANAGER** or in training to become a nursing home administrator
24 **OR AN ASSISTED LIVING MANAGER;**

25 (iii) May not have a household member who is a nursing home
26 administrator **OR AN ASSISTED LIVING MANAGER** or in training to become a nursing
27 home administrator **OR AN ASSISTED LIVING MANAGER;**

28 (iv) May not participate or ever have participated in a commercial or
29 professional field related to the practice of a nursing home administrator **OR ASSISTED**
30 **LIVING MANAGER;**

1 (v) May not have a household member who participates in a
2 commercial or professional field related to the practice of a nursing home administrator **OR**
3 **AN ASSISTED LIVING MANAGER**; and

4 (vi) May not have had within 2 years before appointment a
5 substantial financial interest in a person regulated by the Board.

6 (2) **OF THE CONSUMER MEMBERS:**

7 (I) One [consumer member] shall have presently or have had
8 **WITHIN THE 5 YEARS IMMEDIATELY PRECEDING INITIAL APPOINTMENT** a family
9 member living in a nursing home; **AND**

10 (II) **ONE SHALL HAVE PRESENTLY OR HAVE HAD WITHIN THE 5**
11 **YEARS IMMEDIATELY PRECEDING INITIAL APPOINTMENT A FAMILY MEMBER WHO**
12 **RECEIVES SERVICES LIVING IN AN ASSISTED LIVING PROGRAM.**

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

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

17 (g) (1) This subsection does not apply to the State Long-Term Care
18 Ombudsman.

19 (2) The term of a member is 4 years.

20 (3) The terms of members are staggered as required by the terms provided
21 for members of the Board on July 1, 1981.

22 (4) At the end of a term, a member continues to serve until a successor is
23 appointed and qualifies.

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

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

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

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

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

4 9–208.

5 (a) In this section, [“nursing home administrator rehabilitation”
6 **“REHABILITATION committee”** means a committee [that:

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

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

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

12 (1) Is recognized by the Board; [and]

13 (2) Includes but is not limited to nursing home administrators **AND**
14 **ASSISTED LIVING MANAGERS; AND**

15 **(3) PERFORMS ANY OF THE FUNCTIONS LISTED IN SUBSECTION (C)**
16 **OF THIS SECTION.**

17 [(c)] **(B)** [A] **THE** rehabilitation committee [of the Board or recognized by the
18 Board] may function:

19 (1) Solely for the Board; or

20 (2) Jointly with a rehabilitation committee representing another board or
21 boards.

22 [(d)] **(C)** For purposes of this section, [a nursing home administrator] **THE**
23 rehabilitation committee evaluates and provides assistance to any nursing home
24 administrator **OR ASSISTED LIVING MANAGER**, and any other individual regulated by the
25 Board, in need of treatment and rehabilitation for alcoholism, drug abuse, chemical
26 dependency, or other physical, emotional, or mental condition.

27 [(e)] **(D)** (1) Except as otherwise provided in this subsection, the proceedings,
28 records, and files of the [nursing home administrator] rehabilitation committee are not
29 discoverable and are not admissible in evidence in any civil action arising out of matters
30 that are being or have been reviewed and evaluated by the [nursing home administrator]
31 rehabilitation committee.

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

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

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

9-209.

THE BOARD IS A MEDICAL REVIEW COMMITTEE UNDER § 1-401 OF THIS ARTICLE.

Subtitle 3. [Licensing] **NURSING HOME ADMINISTRATORS.**

9-315.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 9-314 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

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

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

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

(e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, ~~nevertheless~~ the Board may ~~hear~~

~~(1) HEAR and determine the matter; OR~~

~~(2) ISSUE A DEFAULT ORDER.~~

SUBTITLE 3A. ASSISTED LIVING MANAGERS.

1 9-3A-01.

2 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING
3 OCTOBER 1, 2024, AN INDIVIDUAL MUST BE LICENSED BY THE BOARD BEFORE THE
4 INDIVIDUAL MAY PRACTICE AS AN ASSISTED LIVING MANAGER IN THE STATE.

5 (B) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF~~
6 IF A LICENSED ASSISTED LIVING MANAGER LEAVES OR IS REMOVED FROM A
7 POSITION AS AN ASSISTED LIVING MANAGER BY DEATH OR FOR ANY OTHER
8 UNEXPECTED CAUSE, THE OWNER OF THE ASSISTED LIVING PROGRAM OR OTHER
9 APPROPRIATE ~~ASSISTED LIVING AUTHORITY~~ DESIGNEE SHALL IMMEDIATELY:

10 (I) 1. DESIGNATE A LICENSED ASSISTED LIVING MANAGER
11 TO SERVE IN THAT CAPACITY; AND

12 ~~(II)~~ 2. NOTIFY THE BOARD OF THE DESIGNATED LICENSED
13 ASSISTED LIVING MANAGER'S NAME; OR

14 ~~(2) (II) (I) 1. IN THE EVENT A LICENSED ASSISTED LIVING~~
15 ~~MANAGER IS NOT AVAILABLE, THE OWNER OR OTHER APPROPRIATE ASSISTED~~
16 ~~LIVING AUTHORITY SHALL IMMEDIATELY APPOINT~~ APPOINT AN ALTERNATE
17 ASSISTED LIVING MANAGER OR A NONLICENSED INDIVIDUAL TO SERVE IN THE
18 CAPACITY OF INTERIM ASSISTED LIVING MANAGER.

19 ~~2. (2) (I) THE APPOINTED~~ EXCEPT AS PROVIDED IN
20 PARAGRAPH (3) OF THIS SUBSECTION, THE APPOINTED ALTERNATE ASSISTED
21 LIVING MANAGER OR NONLICENSED INDIVIDUAL MAY ACT AS THE INTERIM
22 ASSISTED LIVING MANAGER ON FILING AN APPLICATION WITH THE BOARD
23 REQUESTING A PROVISIONAL LICENSE TO PRACTICE AS THE INTERIM ASSISTED
24 LIVING MANAGER FOR A PERIOD NOT TO EXCEED 90 DAYS.

25 (II) 1. THE OWNER OR OTHER APPROPRIATE ~~ASSISTED~~
26 ~~LIVING AUTHORITY~~ DESIGNEE SHALL IMMEDIATELY NOTIFY THE BOARD OF THE
27 APPOINTMENT AND FORWARD THE CREDENTIALS OF THE INDIVIDUAL APPOINTED
28 TO THE BOARD FOR EVALUATION TO ENSURE THAT THE INDIVIDUAL APPOINTED IS
29 EXPERIENCED, TRAINED, AND COMPETENT.

30 2. THE BOARD MAY ISSUE A PROVISIONAL LICENSE TO
31 THE APPLICANT IF THE BOARD DETERMINES, IN ITS DISCRETION, THAT THE
32 APPLICANT IS OF GOOD MORAL CHARACTER AND CAPABLE OF ADEQUATELY
33 ADMINISTERING THE ASSISTED LIVING PROGRAM FOR THE PROVISIONAL PERIOD.

1 3. ~~THE BOARD, IN ITS DISCRETION, MAY ISSUE A~~
2 ~~PROVISIONAL LICENSE FOR A PERIOD OF LESS THAN 90 DAYS.~~

3 4. IF THE BOARD DENIES AN APPLICATION SUBMITTED
4 IN ACCORDANCE WITH SUBPARAGRAPH ~~(1)~~ (1) OF THIS PARAGRAPH:

5 A. THE NONLICENSED INDIVIDUAL SHALL IMMEDIATELY
6 CEASE ACTING AS THE INTERIM ASSISTED LIVING MANAGER; AND

7 B. IF A LICENSED ASSISTED LIVING MANAGER REMAINS
8 UNAVAILABLE, THE OWNER OR OTHER APPROPRIATE ~~ASSISTED LIVING AUTHORITY~~
9 DESIGNEE SHALL IMMEDIATELY APPOINT ANOTHER NONLICENSED INDIVIDUAL TO
10 ACT AS THE INTERIM ASSISTED LIVING MANAGER.

11 ~~5.~~ 4. AN INDIVIDUAL APPOINTED UNDER
12 SUBSUBPARAGRAPH 4 OF THIS SUBPARAGRAPH SHALL FILE AN APPLICATION FOR A
13 PROVISIONAL LICENSE WITH THE BOARD IN ACCORDANCE WITH THIS PARAGRAPH.

14 (III) THE PROVISIONAL PERIOD BEGINS ON THE DATE THAT THE
15 LICENSED ASSISTED LIVING MANAGER LEAVES OR IS REMOVED FROM THE POSITION
16 AS AN ASSISTED LIVING MANAGER.

17 (IV) THE BOARD, ON REQUEST AND FOR GOOD CAUSE SHOWN,
18 MAY EXTEND THE INITIAL PROVISIONAL PERIOD FOR A FURTHER PERIOD OF NOT
19 MORE THAN 30 DAYS.

20 (3) THE APPOINTED ALTERNATE ASSISTED LIVING MANAGER OR
21 NONLICENSED INDIVIDUAL MAY SERVE IN THE CAPACITY OF INTERIM ASSISTED
22 LIVING MANAGER IF THE INDIVIDUAL HAS ENROLLED IN A MANAGER TRAINING
23 COURSE THAT THE INDIVIDUAL EXPECTS TO COMPLETE WITHIN 6 MONTHS AND HAS
24 PROVIDED THE NOTICE REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

25 (4) EXCEPT AS PROVIDED IN PARAGRAPH ~~(6)~~ (7) OF THIS
26 SUBSECTION, A LICENSED ASSISTED LIVING MANAGER DESIGNATED UNDER
27 PARAGRAPH ~~(1)~~ (1)(I) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY
28 RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

29 ~~(4)~~ (5) EXCEPT AS PROVIDED IN PARAGRAPH ~~(6)~~ (7) OF THIS
30 SUBSECTION, AN INDIVIDUAL APPOINTED IN ACCORDANCE WITH PARAGRAPH ~~(2)~~
31 (1)(II) OF THIS SUBSECTION SHALL SUBMIT TO A CRIMINAL HISTORY RECORDS
32 CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE.

33 ~~(5)~~ (6) THE BOARD MAY DENY APPROVAL OF AN APPOINTMENT
34 UNDER PARAGRAPH ~~(1)~~ OR (2) OF THIS SUBSECTION BASED ON THE RESULTS OF A

1 CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER PARAGRAPH ~~(3)~~ (4) OR ~~(4)~~
 2 (5) OF THIS SUBSECTION AFTER CONSIDERATION OF THE FACTORS LISTED IN §
 3 9-3A-05(B)(1) OF THIS SUBTITLE.

4 ~~(6)~~ (7) PARAGRAPHS ~~(3)~~ (4) AND ~~(4)~~ (5) OF THIS SUBSECTION DO
 5 NOT APPLY TO AN INDIVIDUAL LICENSED, CERTIFIED, OR REGISTERED BY A HEALTH
 6 OCCUPATIONS BOARD WHO PREVIOUSLY HAS COMPLETED A CRIMINAL HISTORY
 7 RECORDS CHECK REQUIRED FOR LICENSURE, CERTIFICATION, OR REGISTRATION.

8 9-3A-02.

9 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT MUST:

10 (1) BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS
 11 SECTION;

12 (2) BE OF GOOD MORAL CHARACTER; ~~AND~~

13 (3) BE AT LEAST 21 YEARS OLD;

14 (4) MEET THE EDUCATION REQUIREMENTS UNDER COMAR
 15 10.07.14; AND

16 (5) (I) COMPLETE AN ASSISTED LIVING MANAGER TRAINING
 17 COURSE REQUIRED UNDER § 19-1807 OF THE HEALTH - GENERAL ARTICLE AND
 18 UNDER COMAR 10.07.14, INCLUDING THE SUCCESSFUL PASSING OF THE COURSE
 19 EXAMINATION; OR

20 (II) BE EXEMPT FROM THE TRAINING COURSE REQUIREMENT
 21 UNDER § 19-1807(D) OF THE HEALTH - GENERAL ARTICLE.

22 (B) INDIVIDUALS WHO HAVE BEEN EMPLOYED IN THE STATE AS AN
 23 ASSISTED LIVING MANAGER AND HAVE WORKED AT AN ASSISTED LIVING PROGRAM
 24 THAT IS LICENSED FOR FIVE OR MORE BEDS AS OF SEPTEMBER 30, 2022, ARE
 25 DEEMED TO HAVE SATISFIED THE REQUIREMENTS OF THIS SECTION.

26 ~~(B) THE APPLICANT MUST HAVE:~~

27 ~~(I) (i) A HIGH SCHOOL DIPLOMA;~~

28 ~~(ii) A HIGH SCHOOL EQUIVALENCY DIPLOMA; OR~~

29 ~~(iii) OTHER APPROPRIATE EDUCATION AS DETERMINED BY THE~~
 30 ~~BOARD;~~

1 ~~(2) APPROPRIATE EXPERIENCE AS DETERMINED BY THE BOARD;~~

2 ~~(3) COMPLETED A MANAGER-IN-TRAINING PROGRAM APPROVED BY~~
3 ~~THE BOARD;~~

4 ~~(4) PASSED:~~

5 ~~(I) AN EXAMINATION ON STATE STANDARDS DEVELOPED BY~~
6 ~~THE BOARD; AND~~

7 ~~(H) A NATIONAL EXAMINATION FOR ASSISTED LIVING~~
8 ~~MANAGERS ADMINISTERED BY THE NATIONAL ASSOCIATION OF BOARDS OF LONG~~
9 ~~TERM CARE; AND~~

10 ~~(5) MET ANY ADDITIONAL REQUIREMENTS ESTABLISHED BY THE~~
11 ~~BOARD.~~

12 ~~(C) THE BOARD MAY ESTABLISH DIFFERENT APPLICANT REQUIREMENTS~~
13 ~~FOR ASSISTED LIVING MANAGERS CORRESPONDING TO:~~

14 ~~(1) THE DIFFERENT LEVELS OF ASSISTED LIVING DEFINED BY THE~~
15 ~~DEPARTMENT AS REQUIRED BY § 19-1805(A)(1) OF THE HEALTH GENERAL~~
16 ~~ARTICLE; OR~~

17 ~~(2) THE NUMBER OF BEDS AN ASSISTED LIVING PROGRAM IS~~
18 ~~LICENSED TO PROVIDE.~~

19 ~~(D) THE BOARD MAY WAIVE THE EXPERIENCE AND TRAINING~~
20 ~~REQUIREMENTS UNDER SUBSECTIONS (B) AND (C) OF THIS SECTION FOR AN~~
21 ~~INDIVIDUAL WHO, BEFORE OCTOBER 1, 2022, MEETS THE REQUIREMENTS OF §~~
22 ~~19-1807 OF THE HEALTH GENERAL ARTICLE AND ANY RELATED REGULATIONS.~~

23 9-3A-03.

24 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

25 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
26 BOARD REQUIRES;

27 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD;
28 AND

1 **(3) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A**
2 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
3 **§ 9-302.1 OF THIS TITLE.**

4 **9-3A-04.**

5 **(A) THE BOARD SHALL KEEP A FILE OF EACH APPLICATION FOR A LICENSE**
6 **MADE UNDER THIS SUBTITLE.**

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

8 **(1) THE NAME, ADDRESS, AND AGE OF THE APPLICANT;**

9 **(2) THE NAME AND ADDRESS OF THE EMPLOYER OR BUSINESS**
10 **CONNECTION OF THE APPLICANT;**

11 **(3) THE DATE OF THE APPLICATION;**

12 **(4) COMPLETE AND CURRENT INFORMATION ON THE EDUCATIONAL,**
13 **TRAINING, AND EXPERIENCE QUALIFICATIONS OF THE APPLICANT;**

14 **(5) THE DATE THE BOARD REVIEWED AND ACTED ON THE**
15 **APPLICATION;**

16 **(6) THE ACTION TAKEN BY THE BOARD ON THE APPLICATION;**

17 **(7) THE IDENTIFYING NUMBERS OF ANY LICENSE OR RENEWAL**
18 **LICENSE ISSUED TO THE APPLICANT; AND**

19 **(8) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS**
20 **NECESSARY.**

21 **(C) THE APPLICATION FILES SHALL BE OPEN TO PUBLIC INSPECTION.**

22 **9-3A-05.**

23 **(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE BOARD SHALL**
24 **ISSUE A LICENSE TO ANY APPLICANT WHO MEETS THE REQUIREMENTS OF THIS**
25 **SUBTITLE.**

26 **(B) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
27 **OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE**
28 **WITH § 9-302.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE,**
29 **THE BOARD SHALL CONSIDER:**

- 1 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**
2 **(II) THE NATURE OF THE CRIME;**
3 **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**
4 **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**
5 **(V) SUBSEQUENT WORK HISTORY;**
6 **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**
7 **(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER**
8 **THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

9 **(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY**
10 **RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS TITLE HAS NOT BEEN**
11 **RECEIVED.**

12 **9-3A-06.**

13 **THE APPLICANT MAY APPEAL A DECISION OF THE BOARD THAT RELATES TO**
14 **ISSUING OR RENEWING A LICENSE AS PROVIDED FOR IN § 9-3A-15 OF THIS**
15 **SUBTITLE.**

16 **9-3A-07.**

17 **A LICENSE AUTHORIZES THE LICENSEE TO PRACTICE AS AN ASSISTED LIVING**
18 **MANAGER WHILE THE LICENSE IS IN EFFECT.**

19 **9-3A-08.**

20 **(A) A LICENSE EXPIRES ON THE SECOND ANNIVERSARY OF ITS EFFECTIVE**
21 **DATE, UNLESS THE LICENSE IS RENEWED FOR A 2-YEAR TERM AS PROVIDED IN THIS**
22 **SECTION.**

23 **(B) AT LEAST 1 MONTH BEFORE THE LICENSE EXPIRES, THE BOARD SHALL**
24 **SEND TO THE LICENSEE, BY ELECTRONIC MEANS OR FIRST-CLASS MAIL TO THE LAST**
25 **KNOWN ELECTRONIC OR PHYSICAL ADDRESS OF THE LICENSEE, A RENEWAL NOTICE**
26 **THAT STATES:**

27 **(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;**

1 **(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE**
2 **RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE**
3 **THE LICENSE EXPIRES; AND**

4 **(3) THE AMOUNT OF THE RENEWAL FEE.**

5 **(C) BEFORE THE LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY**
6 **RENEW IT FOR AN ADDITIONAL 2-YEAR TERM, IF THE LICENSEE:**

7 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

8 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND**

9 **(3) SUBMITS TO THE BOARD:**

10 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**
11 **REQUIRES; AND**

12 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
13 **CONTINUING EDUCATION ~~AND OTHER QUALIFICATIONS AND~~ REQUIREMENTS SET**
14 **~~UNDER THIS SECTION FOR LICENSE RENEWAL UNDER § 19-1807 OF THE HEALTH -~~**
15 **GENERAL ARTICLE.**

16 ~~**(D) (1) IN ADDITION TO ANY OTHER QUALIFICATIONS AND**~~
17 ~~**REQUIREMENTS ESTABLISHED BY THE BOARD, THE BOARD MAY SET CONTINUING**~~
18 ~~**EDUCATION REQUIREMENTS AS A CONDITION TO THE RENEWAL OF LICENSES**~~
19 ~~**UNDER THIS SECTION.**~~

20 ~~**(2) IF A CONTINUING EDUCATION PROGRAM RELATES TO FEDERAL**~~
21 ~~**OR STATE REGULATION, POLICY AND PROCEDURES, OR LAW, THE BOARD, IN ITS**~~
22 ~~**SOLE DISCRETION, MAY GRANT A REQUEST FOR ACCREDITATION OF THE PROGRAM.**~~

23 ~~**(E) (D)**~~ **THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO**
24 **MEETS THE REQUIREMENTS OF THIS SECTION.**

25 ~~**(F) (E)**~~ **(1) THE BOARD SHALL REQUIRE A CRIMINAL HISTORY**
26 **RECORDS CHECK IN ACCORDANCE WITH § 9-302.1 OF THIS TITLE FOR:**

27 **(I) LICENSURE RENEWAL APPLICANTS; AND**

28 **(II) EACH FORMER LICENSEE WHO FILES FOR REINSTATEMENT**
29 **UNDER § 9-3A-09 OF THIS SUBTITLE AFTER FAILING TO RENEW THE LICENSE FOR**
30 **A PERIOD OF 1 YEAR OR MORE.**

1 **(2) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION**
2 **OF A LICENSEE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 9-302.1 OF**
3 **THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL**
4 **CONSIDER:**

5 **(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;**

6 **(II) THE NATURE OF THE CRIME;**

7 **(III) THE CIRCUMSTANCES SURROUNDING THE CRIME;**

8 **(IV) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;**

9 **(V) SUBSEQUENT WORK HISTORY;**

10 **(VI) EMPLOYMENT AND CHARACTER REFERENCES; AND**

11 **(VII) ANY OTHER EVIDENCE THAT DEMONSTRATES WHETHER**
12 **THE LICENSEE POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.**

13 **(3) THE BOARD MAY NOT RENEW OR REINSTATE A LICENSE IF THE**
14 **CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 9-302.1 OF THIS**
15 **TITLE HAS NOT BEEN RECEIVED.**

16 **(4) UNLESS OTHERWISE REQUIRED, A RENEWAL APPLICANT WHO**
17 **PREVIOUSLY HAS COMPLETED THE CRIMINAL HISTORY RECORDS CHECK AS**
18 **REQUIRED FOR THE BOARD'S APPLICATION PROCESS DOES NOT HAVE TO SUBMIT**
19 **TO A SUBSEQUENT CRIMINAL HISTORY RECORDS CHECK FOR LICENSE RENEWAL.**

20 **9-3A-09.**

21 **(A) THE BOARD SHALL REINSTATE THE LICENSE OF AN ASSISTED LIVING**
22 **MANAGER WHO HAS FAILED TO RENEW A LICENSE FOR ANY REASON, IF THE**
23 **LICENSEE:**

24 **(1) HAS NOT HAD THE LICENSE SUSPENDED OR REVOKED;**

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

27 **(3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE**
28 **BOARD;**

1 **(4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF**
2 **COMPLIANCE WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED**
3 **UNDER THIS SUBTITLE FOR LICENSE REINSTATEMENTS; AND**

4 **(5) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE**
5 **WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.**

6 **(B) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN ASSISTED LIVING**
7 **MANAGER WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5**
8 **YEARS AFTER THE LICENSE EXPIRES, UNLESS THE ASSISTED LIVING MANAGER**
9 **BECOMES LICENSED BY MEETING THE REQUIREMENTS FOR OBTAINING A NEW**
10 **LICENSE UNDER THIS SUBTITLE IN EFFECT AT THE TIME THE LICENSEE SEEKS TO**
11 **REINSTATE THE LICENSE.**

12 **9-3A-10.**

13 **(A) IF AN INDIVIDUAL HAS BEEN LICENSED BY THE BOARD TO PRACTICE AS**
14 **AN ASSISTED LIVING MANAGER IN THE STATE IN ACCORDANCE WITH THE**
15 **REQUIREMENTS OF THIS SUBTITLE, THE INDIVIDUAL MAY BE LICENSED**
16 **SUBSEQUENTLY AS AN ASSISTED LIVING MANAGER ON INACTIVE STATUS,**
17 **RETAINING THE LICENSEE'S ORIGINAL LICENSE NUMBER.**

18 **(B) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF**
19 **THE LICENSEE SUBMITS TO THE BOARD:**

20 **(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM**
21 **REQUIRED BY THE BOARD; AND**

22 **(II) THE INACTIVE STATUS FEE SET BY THE BOARD.**

23 **(2) A LICENSEE'S INACTIVE STATUS EXPIRES ON THE SECOND**
24 **ANNIVERSARY OF ITS EFFECTIVE DATE, UNLESS THE LICENSEE RENEWS THE**
25 **INACTIVE STATUS FOR A 2-YEAR TERM AS PROVIDED IN THIS SECTION.**

26 **(3) THE BOARD SHALL PROVIDE A LICENSEE WHO HAS COMPLIED**
27 **WITH THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION WITH WRITTEN**
28 **NOTIFICATION OF:**

29 **(I) THE DATE THAT THE LICENSEE'S INACTIVE STATUS**
30 **BECOMES EFFECTIVE;**

31 **(II) THE DATE THAT THE LICENSEE'S 2-YEAR TERM OF**
32 **INACTIVE STATUS EXPIRES; AND**

1 **(III) THE CONSEQUENCES OF:**

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

4 **2. NOT RESUMING ACTIVE STATUS WITHIN THE 5-YEAR**
5 **PERIOD OF INACTIVE STATUS, BEGINNING ON THE FIRST DAY OF INACTIVE STATUS.**

6 **(C) A LICENSEE ON INACTIVE STATUS MAY NOT PRACTICE AS AN ASSISTED**
7 **LIVING MANAGER IN THE STATE.**

8 **(D) THE BOARD SHALL REACTIVATE THE LICENSE OF A LICENSEE WHO IS**
9 **ON INACTIVE STATUS IF THE LICENSEE:**

10 **(1) COMPLETES AN APPLICATION FORM FOR REACTIVATION OF THE**
11 **LICENSE BEFORE EXPIRATION OF THE 2-YEAR TERM OF INACTIVE STATUS ON THE**
12 **FORM REQUIRED BY THE BOARD;**

13 **(2) COMPLIES WITH THE RENEWAL REQUIREMENTS IN EFFECT AT**
14 **THE TIME THE LICENSEE SEEKS TO REACTIVATE THE LICENSE;**

15 **(3) MEETS THE CONTINUING EDUCATION REQUIREMENTS SET BY**
16 **THE BOARD;**

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

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

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

21 **(7) IS OTHERWISE ENTITLED TO BE LICENSED.**

22 **(E) BEFORE THE BOARD MAY REACTIVATE THE LICENSE OF AN INDIVIDUAL**
23 **WHO HAS BEEN ON INACTIVE STATUS FOR 5 YEARS OR MORE, THE INDIVIDUAL**
24 **SHALL:**

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

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

27 **(3) COMPLETE A BOARD-APPROVED MANAGER REFRESHER**
28 **PROGRAM;**

29 **(4) PASS AN EXAMINATION APPROVED BY THE BOARD; AND**

1 **(5) SUBMIT SATISFACTORY EVIDENCE OF HAVING COMPLETED A**
2 **STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH**
3 **§ 9-302.1 OF THIS TITLE.**

4 **(F) AN ASSISTED LIVING MANAGER WHOSE INACTIVE STATUS EXPIRES**
5 **BEFORE THE ASSISTED LIVING MANAGER'S LICENSE IS REACTIVATED SHALL MEET**
6 **THE REINSTATEMENT REQUIREMENTS OF § 9-3A-09 OF THIS SUBTITLE.**

7 **9-3A-11.**

8 **(A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A**
9 **LICENSE, A LICENSED ASSISTED LIVING MANAGER MAY NOT SURRENDER THE**
10 **LICENSE NOR MAY THE LICENSE LAPSE BY OPERATION OF LAW WHILE THE LICENSEE**
11 **IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE**
12 **LICENSEE.**

13 **(B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE**
14 **ASSISTED LIVING MANAGER UNDER INVESTIGATION OR AGAINST WHOM CHARGES**
15 **ARE PENDING TO ACCEPT SURRENDER OF THE LICENSE.**

16 **9-3A-12.**

17 **(A) THE BOARD SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION AS**
18 **TO ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT A LICENSEE HAS**
19 **FAILED TO MEET ANY STANDARD OF THE BOARD.**

20 **(B) SUBJECT TO THE HEARING PROVISIONS OF § 9-3A-14 OF THIS**
21 **SUBTITLE, THE BOARD MAY DENY A LICENSE TO ANY APPLICANT, REPRIMAND ANY**
22 **LICENSEE, PLACE ANY LICENSEE ON PROBATION, SUSPEND OR REVOKE A LICENSE,**
23 **OR IMPOSE A CIVIL FINE IF THE APPLICANT OR LICENSEE:**

24 **(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO**
25 **OBTAIN A LICENSE FOR THE LICENSEE OR FOR ANOTHER INDIVIDUAL;**

26 **(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;**

27 **(3) FAILS TO MEET THE STANDARDS OF PRACTICE FOR ASSISTED**
28 **LIVING ADOPTED BY THE BOARD UNDER § 9-205 OF THIS TITLE;**

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

- 1 **(5) PROVIDES PROFESSIONAL SERVICES WHILE:**
- 2 **(I) UNDER THE INFLUENCE OF ALCOHOL; OR**
- 3 **(II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS**
4 **SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER**
5 **DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL**
6 **INDICATION;**
- 7 **(6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF**
8 **ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF ANY**
9 **STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY**
10 **ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;**
- 11 **(7) PRACTICES ASSISTED LIVING MANAGEMENT WITH AN**
12 **UNAUTHORIZED INDIVIDUAL OR SUPERVISES OR AIDS AN UNAUTHORIZED**
13 **INDIVIDUAL IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT;**
- 14 **(8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE**
15 **PRACTICE OF ASSISTED LIVING MANAGEMENT;**
- 16 **(9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED**
17 **UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF**
18 **THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;**
- 19 **(10) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;**
- 20 **(11) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE**
21 **LICENSEE'S PRACTICE AS AN ASSISTED LIVING MANAGER;**
- 22 **(12) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
23 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
24 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**
25 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**
- 26 **(13) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**
27 **CONDUCTED BY THE BOARD;**
- 28 **(14) FAILS TO OVERSEE, MANAGE, OR ADMINISTER AN ASSISTED**
29 **LIVING PROGRAM TO THE EXTENT THAT THE SAFETY, HEALTH, OR LIFE OF ANY**
30 **RESIDENT HAS BEEN ENDANGERED;**

1 **(15) ENDANGERS OR SANCTIONS THE ENDANGERMENT OF THE**
2 **SAFETY, HEALTH, OR LIFE OF ANY RESIDENT;**

3 **(16) VIOLATES ANY OF THE PROVISIONS OF LAW OR REGULATIONS**
4 **GOVERNING ASSISTED LIVING PROGRAMS IN THE STATE; OR**

5 **(17) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
6 **ACCORDANCE WITH § 9-302.1 OF THIS TITLE.**

7 **9-3A-13.**

8 **(A) (1) IF, AFTER A HEARING UNDER § 9-3A-14 OF THIS SUBTITLE, THE**
9 **BOARD FINDS THAT THERE ARE GROUNDS UNDER § 9-3A-12 OF THIS SUBTITLE TO**
10 **REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR**
11 **REVOKE A LICENSE, THE BOARD MAY IMPOSE A CIVIL FINE:**

12 **(I) INSTEAD OF SUSPENDING OR REVOKING THE LICENSE; OR**

13 **(II) IN ADDITION TO A REPRIMAND, PLACING THE LICENSEE ON**
14 **PROBATION, OR SUSPENDING OR REVOKING THE LICENSE.**

15 **(2) A CIVIL FINE IMPOSED UNDER THIS SUBSECTION MAY NOT**
16 **EXCEED:**

17 **(I) ~~\$5,000~~ \$1,000 FOR A FIRST VIOLATION; AND**

18 **(II) ~~\$10,000~~ \$5,000 FOR ANY SUBSEQUENT VIOLATION OF THE**
19 **SAME PROVISION.**

20 **(B) IF, AFTER DISCIPLINARY PROCEDURES HAVE BEEN BROUGHT AGAINST**
21 **A LICENSEE, THE LICENSEE WAIVES THE RIGHT TO A HEARING REQUIRED UNDER**
22 **THIS SUBTITLE AND IF THE BOARD FINDS THAT THERE ARE GROUNDS UNDER**
23 **§ 9-3A-12 OF THIS SUBTITLE TO REPRIMAND THE LICENSEE, PLACE THE LICENSEE**
24 **ON PROBATION, OR SUSPEND OR REVOKE A LICENSE, THE BOARD, IN ADDITION TO**
25 **REPRIMANDING THE LICENSEE, PLACING THE LICENSEE ON PROBATION, OR**
26 **SUSPENDING OR REVOKING THE LICENSE, MAY IMPOSE:**

27 **(1) A CIVIL FINE NOT EXCEEDING ~~\$5,000~~ \$1,000 FOR A FIRST**
28 **VIOLATION; AND**

29 **(2) A CIVIL FINE NOT EXCEEDING ~~\$10,000~~ \$5,000 FOR ANY**
30 **SUBSEQUENT VIOLATION OF THE SAME PROVISION.**

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

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

4 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
5 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 9-3A-12 OF
6 THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
7 CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

8 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
9 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

10 (C) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE DIRECTOR
11 OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
12 CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS
13 OR PROCEEDINGS BEFORE IT.

14 (D) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM
15 THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR
16 ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT
17 JURISDICTION MAY PUNISH THE PERSON FOR CONTEMPT OF COURT.

18 (E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS
19 CONTEMPLATED FAILS OR REFUSES TO APPEAR FOR A HEARING, THE BOARD MAY:

20 ~~(1) HEAR~~ HEAR AND DETERMINE THE MATTER; ~~OR~~

21 ~~(2) ISSUE A DEFAULT ORDER.~~

22 **9-3A-15.**

23 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §
24 9-3A-12 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE
25 BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE
26 ACT, MAY PETITION FOR JUDICIAL REVIEW AS ALLOWED BY THE ADMINISTRATIVE
27 PROCEDURE ACT.

28 (B) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER
29 § 9-3A-12 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE
30 A DIRECT JUDICIAL APPEAL AS PROVIDED IN THE ADMINISTRATIVE PROCEDURE
31 ACT.

1 (C) AN ORDER OF THE BOARD MAY NOT BE STAYED PENDING JUDICIAL
2 REVIEW.

3 9-3A-16.

4 (A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION,
5 AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED UNDER
6 THIS SUBTITLE MAY APPLY FOR REINSTATEMENT IN ACCORDANCE WITH THE TERMS
7 AND CONDITIONS OF THE REVOCATION ORDER OR SURRENDER.

8 (B) IF AN INDIVIDUAL APPLIES FOR REINSTATEMENT UNDER SUBSECTION
9 (A) OF THIS SECTION, THE BOARD MAY:

10 (1) REINSTATE THE LICENSE;

11 (2) REINSTATE THE LICENSE WITH TERMS AND CONDITIONS THE
12 BOARD DETERMINES ARE APPROPRIATE AND NECESSARY; OR

13 (3) DENY REINSTATEMENT.

14 (C) IF THE BOARD DENIES AN APPLICATION FOR REINSTATEMENT, THE
15 BOARD MAY:

16 (1) SET A DATE BEFORE WHICH THE APPLICANT MAY NOT REAPPLY;
17 OR

18 (2) PERMANENTLY PROHIBIT REAPPLICATION.

19 (D) AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR
20 SURRENDERED UNDER THIS SUBTITLE AND WHO SEEKS REINSTATEMENT SHALL
21 MEET THE CONTINUING EDUCATION REQUIREMENTS ESTABLISHED FOR THE
22 RENEWAL OF LICENSES AS IF THE INDIVIDUAL WERE LICENSED DURING THE PERIOD
23 OF REVOCATION OR SURRENDER.

24 9-3A-17.

25 (A) THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR PRACTICING
26 AS AN ASSISTED LIVING ~~MANAGEMENT~~ MANAGER WITHOUT A LICENSE OR WITH AN
27 UNAUTHORIZED INDIVIDUAL OR FOR SUPERVISING OR AIDING AN UNAUTHORIZED
28 INDIVIDUAL IN THE PRACTICE OF ASSISTED LIVING MANAGEMENT.

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

1 **(I) THE UNAUTHORIZED PRACTICE OF ASSISTED LIVING**
 2 **MANAGEMENT; OR**

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

5 **(2) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:**

6 **(I) THE BOARD, IN ITS OWN NAME;**

7 **(II) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR**

8 **(III) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.**

9 **(3) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE**
 10 **COUNTY WHERE THE DEFENDANT RESIDES OR ENGAGES IN THE ACTS SOUGHT TO BE**
 11 **ENJOINED.**

12 **(4) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN**
 13 **ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION**
 14 **UNDER THIS SECTION.**

15 **(5) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT**
 16 **INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF**
 17 **ASSISTED LIVING MANAGEMENT UNDER § 9-401 OF THIS TITLE OR DISCIPLINARY**
 18 **ACTION UNDER § 9-3A-12 OF THIS SUBTITLE.**

19 **9-3A-18.**

20 **AN INDIVIDUAL WHOSE LICENSE HAS BEEN REVOKED OR SURRENDERED**
 21 **UNDER THIS SUBTITLE MAY NOT WORK FOR, BE EMPLOYED BY, OR PERFORM**
 22 **SERVICES FOR AN ASSISTED LIVING PROGRAM OR NURSING HOME IN THE STATE**
 23 **UNLESS THE INDIVIDUAL'S LICENSE IS REINSTATED UNDER § 9-3A-16 OF THIS**
 24 **SUBTITLE.**

25 9-401.

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

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

29 (2) Supervise, direct, induce, or aid an unlicensed individual to practice as
 30 a nursing home administrator;

1 **(3) PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE AS AN**
2 **ASSISTED LIVING MANAGER IN THIS STATE UNLESS LICENSED BY THE BOARD; OR**

3 **(4) SUPERVISE, DIRECT, INDUCE, OR AID AN UNLICENSED**
4 **INDIVIDUAL TO PRACTICE AS AN ASSISTED LIVING MANAGER.**

5 **(B) (1) THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE**
6 **BOARD FROM TAKING ANY OTHER ACTION AUTHORIZED UNDER THIS TITLE AGAINST**
7 **A LICENSEE, AN APPLICANT, OR ANOTHER INDIVIDUAL.**

8 **(2) (I) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE**
9 **BOARD MAY IMPOSE A CIVIL PENALTY NOT EXCEEDING \$10,000 FOR A VIOLATION**
10 **OF THIS SECTION.**

11 **(II) THE BOARD SHALL PAY ANY FINE COLLECTED UNDER THIS**
12 **PARAGRAPH INTO THE GENERAL FUND OF THE STATE.**

13 **(3) IF THE BOARD FINDS A VIOLATION OF SUBSECTION (A)(3) OF THIS**
14 **SECTION ON OR BEFORE SEPTEMBER 30, 2025, THE BOARD SHALL PROVIDE THE**
15 **INDIVIDUAL WITH WRITTEN NOTICE AND A 60-DAY PERIOD TO COMPLY WITH THE**
16 **LICENSURE REQUIREMENT BEFORE IMPOSING THE FINE.**

17 9-402.

18 **(a) (1) Unless authorized to practice as a nursing home administrator under**
19 **SUBTITLE 3 OF this title, [a person] AN INDIVIDUAL may not represent to the public by**
20 **title, by description of services, methods, or procedures, or otherwise, that the [person]**
21 **INDIVIDUAL is authorized to practice as a nursing home administrator in this State.**

22 **[(b)] (2) Unless authorized to practice under SUBTITLE 3 OF this title, [a**
23 **person] AN INDIVIDUAL may not use the title “nursing home administrator”, or the**
24 **abbreviation “N.H.A.” or any other designation, title, or abbreviation with the intent to**
25 **represent that the [person] INDIVIDUAL is authorized to practice as a nursing home**
26 **administrator.**

27 **(B) (1) UNLESS AUTHORIZED TO PRACTICE AS AN ASSISTED LIVING**
28 **MANAGER UNDER SUBTITLE 3A OF THIS TITLE, AN INDIVIDUAL MAY NOT**
29 **REPRESENT TO THE PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR**
30 **PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE**
31 **AS AN ASSISTED LIVING MANAGER IN THIS STATE.**

32 **(2) UNLESS AUTHORIZED TO PRACTICE UNDER SUBTITLE 3A OF THIS**
33 **TITLE, AN INDIVIDUAL MAY NOT USE THE TITLE “ASSISTED LIVING MANAGER”, OR**
34 **ANY OTHER DESIGNATION, TITLE, OR ABBREVIATION WITH THE INTENT TO**

1 REPRESENT THAT THE INDIVIDUAL IS AUTHORIZED TO PRACTICE AS AN ASSISTED
2 LIVING MANAGER.

3 9–403.

4 A person may not:

5 (1) Sell or fraudulently obtain or furnish or aid in selling or fraudulently
6 obtaining or furnishing a license issued under **SUBTITLE 3 OF** this title; [or]

7 (2) Practice as a nursing home administrator under any license unlawfully
8 or fraudulently obtained or unlawfully issued;

9 (3) **SELL OR FRAUDULENTLY OBTAIN OR FURNISH OR AID IN SELLING**
10 **OR FRAUDULENTLY OBTAINING OR FURNISHING A LICENSE ISSUED UNDER**
11 **SUBTITLE 3A OF THIS TITLE; OR**

12 (4) **PRACTICE AS AN ASSISTED LIVING MANAGER UNDER ANY**
13 **LICENSE UNLAWFULLY OR FRAUDULENTLY OBTAINED OR UNLAWFULLY ISSUED.**

14 **9–405.**

15 **THE BOARD MAY TAKE DISCIPLINARY ACTION AGAINST AN INDIVIDUAL**
16 **WHOSE LICENSE HAS EXPIRED OR BEEN SURRENDERED IN THE SAME MANNER THAT**
17 **THE BOARD IS AUTHORIZED TO TAKE DISCIPLINARY ACTION AGAINST A LICENSEE**
18 **UNDER THIS TITLE, IF THE BOARD INITIATED AN INVESTIGATION OF THE**
19 **INDIVIDUAL OR ISSUED CHARGES AGAINST THE INDIVIDUAL WHILE THE INDIVIDUAL**
20 **WAS LICENSED.**

21 9–501.

22 This title may be cited as the [“Maryland Nursing Home Administrators Licensing
23 Act”] **MARYLAND LONG–TERM CARE ADMINISTRATORS ACT.**

24 SECTION 3. AND BE IT FURTHER ENACTED, That the terms of the initial
25 assisted living manager members appointed to the State Board of Long–Term Care
26 Administrators under § 9–202(a)(2)(iii) of the Health Occupations Article, as enacted by
27 Section 2 of this Act, shall expire as follows:

28 (1) two members in 2025; ~~and~~

29 (2) ~~one member~~ two members in 2026; and

30 (3) one member in 2027.

1 SECTION 4. AND BE IT FURTHER ENACTED, That on or before October 1, 2023,
 2 the State Board of Long-Term Care Administrators shall submit a report to the Senate
 3 Finance Committee and the House Health and Government Operations Committee, in
 4 accordance with § 2-1257 of the State Government Article, on the implementation of this
 5 Act, including:

6 (1) the status of the appointment of the assisted living managers to the
 7 Board;

8 (2) the number of personnel employed by the Board to implement the
 9 assisted living manager licensure requirements;

10 (3) the ability of the Board’s software platform to accept applications for
 11 licensure as assisted living managers and issue the licenses;

12 (4) the time frame for informing and steps that will be taken to inform
 13 assisted living programs and assisted living managers of the licensure requirement; and

14 (5) any other policies that the Board anticipates adopting to implement
 15 this Act.

16 SECTION 5. AND BE IT FURTHER ENACTED, That an assisted living manager
 17 employed by an assisted living program that is licensed for four or fewer beds shall comply
 18 with § 19-1807 of the Health – General Article, as enacted by Section 2 of this Act, on or
 19 before September 30, 2024, and may not be found in violation of § 19-1807 of the Health –
 20 General Article, as enacted by Section 2 of this Act, before October 1, 2024.

21 ~~SECTION 6.~~ AND BE IT FURTHER ENACTED, That this Act shall take effect
 22 October 1, 2022.

Approved:

_____ Governor.

_____ President of the Senate.

_____ Speaker of the House of Delegates.