

# HOUSE BILL 443

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7lr1467

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By: **Delegates West, Bromwell, Cullison, Kelly, Metzgar, and Miele**

Introduced and read first time: January 26, 2017

Assigned to: Health and Government Operations

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Committee Report: Favorable

House action: Adopted

Read second time: March 1, 2017

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

1 AN ACT concerning

2 **Assisted Living Programs – Licensure Fees**

3 FOR the purpose of repealing a requirement that the Department of Health and Mental  
4 Hygiene adopt regulations requiring the Secretary of Health and Mental Hygiene to  
5 charge certain fees in a certain manner; requiring the Department to adopt  
6 regulations that establish a certain application fee for an assisted living program  
7 license; and generally relating to licensure fees for assisted living programs.

8 BY repealing and reenacting, with amendments,  
9 Article – Health – General  
10 Section 19–1805  
11 Annotated Code of Maryland  
12 (2015 Replacement Volume and 2016 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
14 That the Laws of Maryland read as follows:

15 **Article – Health – General**

16 19–1805.

17 (a) The Department shall:

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

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

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

7           (4)     Promote affordable and accessible assisted living programs throughout  
8 the State;

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

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

12          (7)     Establish requirements for the qualifications or training or both of  
13 assisted living program employees;

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

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

18          (b)     (1)     The Department, in consultation with representatives of the affected  
19 industry and advocates for residents of the facilities and with the approval of the  
20 Department of Aging and the Department of Human Resources, shall adopt regulations to  
21 implement this subtitle.

22          (2)     The regulations adopted under paragraph (1) of this subsection shall:

23                 (i)     Provide for the licensing of assisted living programs and the  
24 renewal of licenses;

25                 (ii)    [Require the Secretary to charge fees in a manner that will  
26 produce funds not to exceed the actual direct and indirect costs to the Department for  
27 inspecting assisted living program facilities and maintaining the licensure program for  
28 assisted living programs under this subtitle] **ESTABLISH THE APPLICATION FEE TO BE  
29 PAID TO THE SECRETARY BY AN APPLICANT FOR AN ASSISTED LIVING PROGRAM  
30 LICENSE;**

31                 (iii)   Require the Department, during a survey or other inspection of  
32 an assisted living program, to review the number of waivers granted to the program under  
33 subsection (a)(3) of this section and determine whether a change in the program’s licensure  
34 status is warranted; and

1 (iv) Require an assisted living program facility to post in a  
2 conspicuous place visible to actual and potential residents of the facility and other  
3 interested parties:

4 1. A. Its statement of deficiencies for the most recent  
5 survey;

6 B. Any subsequent complaint investigations conducted by  
7 federal, State, or local surveyors; and

8 C. Any plans of correction in effect with respect to the survey  
9 or complaint investigation; or

10 2. A notice of the location, within the facility, of the items  
11 listed in item 1 of this item.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2017.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.