

SENATE BILL 613

J2, 02

(4lr1838)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senator Beidle**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **State Board of Long-Term Care Administrators – Requirements for Assisted**
3 **Living Managers**

4 FOR the purpose of extending the date by which individuals must be licensed by the State
5 Board of Long-Term Care Administrators before practicing as an assisted living
6 manager in the State; altering the requirements for the manager training course
7 that certain assisted living managers are required to complete; altering the
8 requirements for serving as an interim assisted living manager; and generally
9 relating to the State Board of Long-Term Care Administrators and assisted living
10 managers.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 19–1807
14 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.

Italics indicate opposite chamber/conference committee amendments.



1 (2023 Replacement Volume)

2 BY repealing and reenacting, with amendments,
3 Article – Health Occupations
4 Section 9–202(a), 9–3A–01, 9–3A–02, and 9–401(b)(3)
5 Annotated Code of Maryland
6 (2021 Replacement Volume and 2023 Supplement)

7 BY repealing and reenacting, without amendments,
8 Article – Health Occupations
9 Section 9–401(a)(3)
10 Annotated Code of Maryland
11 (2021 Replacement Volume and 2023 Supplement)

12 BY repealing
13 Chapter 689 of the Acts of the General Assembly of 2022
14 Section 3 and 5

15 BY repealing
16 Chapter 690 of the Acts of the General Assembly of 2022
17 Section 3 and 5

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

20 **Article – Health – General**

21 19–1807.

22 (a) (1) Except as provided in subsection (d) of this section, an assisted living
23 manager who is employed by an assisted living program shall have completed a manager
24 training course that is approved by the Department and includes an examination.

25 (2) The manager training course shall:

26 (i) Consist of at least 80 hours; **AND**

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

29 (iii) ~~Authorize~~ **PROVIDE** [a maximum of 25 hours of] **THE** training
30 through [Internet courses, correspondence courses, tapes, or other] **IN–PERSON COURSES**
31 ~~AND, VIRTUAL~~ training methods, **OR A COMBINATION OF BOTH** [that do not require
32 direct interaction between faculty and participants].

1 (b) An assisted living manager employed by a program shall be required to
2 complete 20 hours of Department–approved continuing education every 2 years.

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

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

8 (i) Is employed by an assisted living program and has enrolled in a
9 Department–approved manager training course that the individual expects to complete
10 within 6 months;

11 (ii) Is temporarily serving as an assisted living manager under §
12 9–3A–01 of the Health Occupations Article due to an assisted living manager leaving
13 employment and prior to the hiring of a permanent assisted living manager; or

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

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

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

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

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

26 Article – Health Occupations

27 9–202.

28 (a) (1) The Board consists of 18 members.

29 (2) Of the Board members:

30 (i) Five shall be licensed nursing home administrators, one of whom
31 has experience with the Eden Alternative Green House or a similar program, if practicable;

1 (ii) Two shall be individuals who are not nursing home
2 administrators or assisted living managers but who are engaged actively in professions
3 that are concerned with the care of chronically ill, infirm, or aged individuals;

4 (iii) 1. [Before October 1, 2024] **AS SOON AS PRACTICABLE**, five
5 shall be [individuals] **ASSISTED LIVING MANAGERS** who have:

6 A. Completed the manager training course required under §
7 19–1807(a) of the Health – General Article or are exempt from the requirement under §
8 19–1807(d) of the Health – General Article; and

9 B. Been actively employed by an assisted living program; and

10 2. On or after [October 1, 2024] **JULY 1, 2026**, five shall be
11 licensed assisted living managers;

12 (iv) One shall be a physician or a nurse practitioner who specializes
13 in geriatrics;

14 (v) One shall be a geriatric social worker;

15 (vi) One shall be the State Long–Term Care Ombudsman designated
16 under § 10–903 of the Human Services Article; and

17 (vii) Two shall be consumer members.

18 (3) Not more than three members may be officials or full–time employees
19 of this State or of any of its political subdivisions.

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

22 9–3A–01.

23 (a) Except as otherwise provided in this subtitle, beginning [October 1, 2024]
24 **JULY 1, 2026**, an individual must be licensed by the Board before the individual may
25 practice as an assisted living manager in the State.

26 (b) (1) If a licensed assisted living manager leaves or is removed from a
27 position as an assisted living manager by death or for any other unexpected cause, the
28 owner of the assisted living program or other appropriate designee shall immediately:

29 (i) 1. Designate a licensed assisted living manager to serve in
30 that capacity; and

1 (4) Except as provided in paragraph [(7)] **(6)** of this subsection, a licensed
2 assisted living manager designated under paragraph (1)(i) of this subsection shall submit
3 to a criminal history records check in accordance with § 9–302.1 of this title.

4 [(5)] **(4)** Except as provided in paragraph [(7)] **(6)** of this subsection, an
5 individual appointed in accordance with paragraph (1)(ii) of this subsection shall submit to
6 a criminal history records check in accordance with § 9–302.1 of this title.

7 [(6)] **(5)** The Board may deny approval of an appointment under
8 paragraph (2) of this subsection based on the results of a criminal history records check
9 required under paragraph [(4) or (5)] **(3) OR (4)** of this subsection after consideration of
10 the factors listed in § 9–3A–05(b)(1) of this subtitle.

11 [(7)] **(6)** Paragraphs [(4) and (5)] **(3) AND (4)** of this subsection do not
12 apply to an individual licensed, certified, or registered by a health occupations board who
13 previously has completed a criminal history records check required for licensure,
14 certification, or registration.

15 9–3A–02.

16 (a) To qualify for a license, an applicant must:

17 (1) Be an individual who meets the requirements of this section;

18 (2) Be of good moral character;

19 (3) Be at least 21 years old;

20 (4) Meet the education requirements under COMAR 10.07.14; and

21 (5) (i) Complete an assisted living manager training course required
22 under § 19–1807 of the Health – General Article and under COMAR 10.07.14, including the
23 successful passing of the course examination; or

24 (ii) Be exempt from the training course requirement under §
25 19–1807(d) of the Health – General Article.

26 (b) Individuals who have been employed in the State as an assisted living
27 manager and have worked at an assisted living program that is licensed for five or more
28 beds as of [September 30, 2022] **JUNE 30, 2024**, are deemed to have satisfied the
29 requirements of this section.

30 9–401.

31 (a) Except as otherwise provided in this title, an individual may not:

1 (3) Practice, attempt to practice, or offer to practice as an assisted living
2 manager in this State unless licensed by the Board; or

3 (b) (3) If the Board finds a violation of subsection (a)(3) of this section on or
4 before [September 30, 2025] **JUNE 30, 2027**, the Board shall provide the individual with
5 written notice and a 60-day period to comply with the licensure requirement before
6 imposing the fine.

7 **Chapter 689 of the Acts of 2022**

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

12 (1) two members in 2025;

13 (2) two members in 2026; and

14 (3) one member in 2027.]

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

20 **Chapter 690 of the Acts of 2022**

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

25 (1) two members in 2025;

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

1 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial
 2 assisted living manager members appointed to the State Board of Long-Term Care
 3 Administrators under § 9-202(a)(2)(iii) of the Health Occupations Article, as enacted by
 4 Chapters 689 and 690 of the Acts of 2022 and amended by Section 1 of this Act, shall expire
 5 as follows:

- 6 (1) two members in 2026;
- 7 (2) two members in 2027; and
- 8 (3) one member in 2028.

9 SECTION 3. AND BE IT FURTHER ENACTED, That ~~on or before October 1, 2024,~~
 10 ~~October 1, 2025, and October 1, 2026,~~ the State Board of Long-Term Care Administrators
 11 shall submit ~~a report~~ the following reports to the Senate Finance Committee and the House
 12 Health and Government Operations Committee, in accordance with § 2-1257 of the State
 13 Government Article, on the implementation of licensure requirements for assisted living
 14 managers in § 19-1807 of the Health – General Article, as enacted by Section 1 of this Act,
 15 ~~including:~~

- 16 (1) on or before October 1, 2024, a report that includes:
- 17 (i) dates by which the Board intends to begin receiving applications
 18 for assisted living managers and begin issuing licenses;
- 19 ~~(1)~~ (ii) the status of the appointment of assisted living managers to the
 20 Board;
- 21 ~~(2)~~ (iii) the number of personnel employed by the Board and the status
 22 of filling any vacant Board positions necessary to implement the assisted living manager
 23 licensure requirements;
- 24 ~~(3)~~ (iv) the ability of the Board’s software platform to accept applications
 25 for licensure as assisted living managers and issue the licenses, including a timeline and
 26 update on implementation of any necessary information technology system updates;
- 27 ~~(4)~~ (v) the time frame for informing and steps that have been and will
 28 be taken to inform assisted living programs and assisted living managers of the licensure
 29 requirement; and
- 30 ~~(5)~~ (vi) any other policies that the Board anticipates adopting to
 31 implement the licensure requirements for assisted living managers; and

32 (2) on or before October 1, 2025, and October 1, 2026, a report that updates
 33 the information reported under item (1) of this section, as necessary, including an
 34 explanation for any change in dates or time frames.

1 SECTION 4. AND BE IT FURTHER ENACTED, That an assisted living manager
2 employed by an assisted living program that is licensed for four or fewer beds shall comply
3 with § 19–1807 of the Health – General Article, as enacted by Section 1 of this Act, on or
4 before June 30, 2026, and may not be found in violation of § 19–1807 of the Health – General
5 Article, as enacted by Section 1 of this Act, before July 1, 2026.

6 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July
7 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.