

HOUSE BILL 554

J3, I3

1lr1452
CF SB 507

By: **Delegate Pena–Melnyk**

Introduced and read first time: January 20, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 18, 2021

CHAPTER _____

1 AN ACT concerning

2 **Division of Consumer Protection – Assisted Living Programs**

3 FOR the purpose of requiring certain assisted living programs to report certain
4 information, on or before a certain date each year, to the Division of Consumer
5 Protection of the Office of the Attorney General; requiring the Office of Health Care
6 Quality within the Maryland Department of Health to refer an allegation of an
7 unfair, abusive, or deceptive trade practice by an assisted living program to the
8 Division of Consumer Protection ~~under certain circumstances~~ and the Office of the
9 Inspector General within the Department; defining a certain term; and generally
10 relating to assisted living programs and the Division of Consumer Protection of the
11 Office of the Attorney General.

12 BY adding to

13 Article – Commercial Law

14 Section 13–4B–01 to be under the new subtitle “Subtitle 4B. Reporting Requirements
15 for Assisted Living Programs”

16 Annotated Code of Maryland

17 (2013 Replacement Volume and 2020 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Health – General

20 Section 19–1801

21 Annotated Code of Maryland

22 (2019 Replacement Volume and 2020 Supplement)

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 BY adding to
2 Article – Health – General
3 Section 19–1814
4 Annotated Code of Maryland
5 (2019 Replacement Volume and 2020 Supplement)

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

8 **Article – Commercial Law**

9 **SUBTITLE 4B. REPORTING REQUIREMENTS FOR ASSISTED LIVING PROGRAMS.**

10 **13–4B–01.**

11 (A) IN THIS SECTION, “ASSISTED LIVING PROGRAM” HAS THE MEANING
12 STATED IN § 19–1801 OF THE HEALTH – GENERAL ARTICLE.

13 (B) ON OR BEFORE JUNE 1 EACH YEAR, EACH ASSISTED LIVING PROGRAM
14 THAT WAS APPOINTED AS A REPRESENTATIVE PAYEE FOR RESIDENTS OF THE
15 ASSISTED LIVING PROGRAM FACILITY AT ANY POINT DURING THE REPORTING
16 PERIOD SHALL REPORT TO THE DIVISION ON THE USE OF:

17 (1) SOCIAL SECURITY BENEFITS BY RESIDENTS OF THE ASSISTED
18 LIVING PROGRAM FACILITY DURING THE IMMEDIATELY PRECEDING YEAR; AND

19 (2) OTHER FEDERAL, STATE, OR LOCAL GOVERNMENT FUNDS BY
20 RESIDENTS OF THE ASSISTED LIVING PROGRAM FACILITY DURING THE
21 IMMEDIATELY PRECEDING YEAR THAT ARE ALLOCATED FOR THE PURPOSE OF
22 ASSISTING INDIVIDUALS WHO ARE AGED, DISABLED, OR BLIND.

23 **Article – Health – General**

24 19–1801.

25 In this subtitle:

26 (1) “Assisted living program” means a residential or facility–based
27 program that provides housing and supportive services, supervision, personalized
28 assistance, health–related services, or a combination thereof that meets the needs of
29 individuals who are unable to perform or who need assistance in performing the activities
30 of daily living or instrumental activities of daily living in a way that promotes optimum
31 dignity and independence for the individuals.

32 (2) “Assisted living program” does not include:

- 1 (i) A nursing home, as defined under § 19–1401 of this title;
- 2 (ii) A State facility, as defined under § 10–101 of this article;
- 3 (iii) A program licensed by the Department under Title 7 or Title 10
- 4 of this article;
- 5 (iv) A hospice care program regulated by the Department under
- 6 Subtitle 9 of this title;
- 7 (v) Services provided by family members;
- 8 (vi) Services provided in an individual’s own home; or
- 9 (vii) A program certified by the Department of Human Services under
- 10 Title 6, Subtitle 5, Part II of the Human Services Article as a certified Adult Residential
- 11 Environment Program.

12 **19–1814.**

13 **THE OFFICE OF HEALTH CARE QUALITY WITHIN THE DEPARTMENT, ~~WHEN~~**
 14 **~~REFERRING SHALL REFER~~ AN ALLEGATION OF AN UNFAIR, ABUSIVE, OR DECEPTIVE**
 15 **TRADE PRACTICE BY AN ASSISTED LIVING PROGRAM TO ~~THE OFFICE OF THE~~**
 16 **~~INSPECTOR GENERAL WITHIN THE DEPARTMENT, SHALL CONCURRENTLY REFER~~**
 17 **~~THE ALLEGATION TO~~ THE DIVISION OF CONSUMER PROTECTION OF THE OFFICE OF**
 18 **THE ATTORNEY GENERAL AND TO THE OFFICE OF THE INSPECTOR GENERAL**
 19 **WITHIN THE DEPARTMENT.**

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.