

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Enrolled - Revised

House Bill 874

(Delegate Pena-Melnyk, *et al.*)

Health and Government Operations

Finance

State Board of Long-Term Care Administrators - Requirements for Assisted
Living Managers

This bill extends the date, from October 1, 2024, to July 1, 2026, by which individuals must be licensed by the State Board of Long-Term Care Administrators before practicing as an assisted living manager in the State. An assisted living manager employed by an assisted living program that is licensed for four or fewer beds must comply with specified manager training course requirements by June 30, 2026, and may not be found in violation of such requirements before July 1, 2026. By October 1, 2024, October 1, 2025, and October 1, 2026, the board must submit specified reports to specified committees of the General Assembly on the implementation of licensure requirements for assisted living managers. **The bill takes effect July 1, 2024.**

Fiscal Summary

State Effect: The State Board of Long-Term Care Administrators can complete the required reports using existed budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Bill Summary/Current Law: Under current law, assisted living is regulated by the State and generally does not have specific federal requirements. In Maryland, assisted living programs are licensed by the Office of Health Care Quality in the Maryland Department of Health (MDH).

State Board of Long-Term Care Administrators Membership

Under current law, the State Board of Long-Term Care Administrators is the licensing authority for nursing home and assisted living administrators in the State. The board comprises 18 members, including 5 members who must be individuals who (1) before October 1, 2024, have completed a specified manager training course (or are exempt from the requirement) and have been actively employed by an assisted living program and (2) on or after October 1, 2024, must be licensed assisted living managers.

The bill specifies that *as soon as practicable*, five board members must be *assisted living managers* who have completed a specified manager training course (or are exempt from the requirement) and been actively employed by an assisted living program. By *July 1, 2026*, these five members must be licensed assisted living managers.

The bill also extends the terms of the initial assisted living manager members appointed to the board as mandated by Chapters 689 and 690 of 2022. Instead, the board positions expire as follows: two members in 2026; two members in 2027; and one member in 2028.

Licensure of Assisted Living Managers

Chapters 689 and 690 required that an individual be licensed by the board to practice as an assisted living manager in the State beginning October 1, 2024. To qualify for an assisted living manager license, an applicant must (1) be of good moral character and at least 21 years old; (2) meet the education requirements under Maryland regulations (COMAR 10.07.14); and (3) complete an assisted living manager training course, as specified, including the successful passing of the course examination, or be exempt from the training requirement.

The bill extends the licensure requirement date to July 1, 2026, and clarifies that individuals who have been employed in the State as an assisted living manager and have worked at an assisted living program that is licensed for five or more beds as of *June 30, 2024*, are deemed to have satisfied the qualifications for licensure.

Designating an Alternate Assisted Living Manager

Current law requires that, if a licensed assisted living manager leaves or is removed, the owner of the assisted living program (or designee) must immediately (1) designate a licensed assisted living manager to serve in that capacity and notify the board or (2) appoint an alternate assisted living manager or a nonlicensed individual to serve in the capacity of interim assisted living manager. An appointed alternate or nonlicensed individual may serve as interim assisted living manager if the individual has enrolled in a manager training course that the individual expects to complete within six months and the individual has provided required notice to the board.

The bill removes authorization for an appointed alternate assisted living manager or nonlicensed individual to serve in that capacity if the individual has enrolled in a manager training course.

Practicing Without a License

Under current law, an individual may not practice, attempt to practice, or offer to practice as an assisted living manager in the State unless licensed by the board. The bill clarifies that, if an individual violates this requirement on or before *June 30, 2027*, the board must provide the individual with written notice and a 60-day period to comply with the licensure requirement before imposing a fine.

Assisted Living Manager Training Course

Under current law, an assisted living manager who is employed by an assisted living program must have completed a manager training course that is approved by MDH and includes an examination. **Exhibit 1** details the training course requirements under current law compared with those under the bill.

Exhibit 1 **Assisted Living Manager Training Course Requirements**

Current Law

- Consist of at least 80 hours
- Require attendance or participation at training programs that provide for direct interaction between faculty and participants
- Authorize a maximum of 25 hours of training through internet courses, correspondence courses, tapes, or other training methods that do not require direct interaction between faculty and participants

Under SB 613/HB 874 of 2024

- Consist of at least 80 hours
- Provide the training through in-person courses, virtual training methods, or a combination of both

Source: Department of Legislative Services

Required Report

The bill requires the board, by October 1, 2024, to submit a report to the Senate Finance Committee and the House Health and Government Operations Committee on the implementation of licensure requirements for assisted living managers, including:

- dates by which the board intends to begin receiving applications for assisted living managers and begin issuing licenses;
- the status of the appointment of assisted living managers to the board;
- the number of personnel employed by the board and the status of filling any vacant board positions necessary to implement assisted living manager licensure requirements;
- the ability of the board's software platform to accept applications for licensure as assisted living managers and issue the licenses, including a timeline and update on implementation of any necessary information technology system updates;
- the timeframe for informing and steps that have been and will be taken to inform assisted living managers of the licensure requirement; and
- any other policies that the board anticipates adopting to implement licensure requirements for assisted living managers.

By October 1, 2025, and October 1, 2026, the board must submit a report to the aforementioned committees that includes any updates to the information outlined above, including an explanation for any change in dates or timeframes.

Small Business Effect: Assisted living programs, the vast majority of which are small businesses, gain additional time to ensure that their assisted living managers comply with licensure requirements. Facilities with four or fewer beds must ensure their assisted living program manager completes the required manager training course by June 30, 2026.

Additional Comments: MDH advises that, as of June 2023, there were at least 1,721 assisted living programs in the State, of which approximately 77% were licensed for nine or fewer beds.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 613 (Senator Beidle) - Finance.

Information Source(s): Maryland Department of Aging; Maryland Department of Health; Department of Legislative Services

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