

~~(HH)~~ (II) INFORMATION DEMONSTRATING THE FINANCIAL AND ADMINISTRATIVE ABILITY OF THE APPLICANT TO OPERATE AN ASSISTED LIVING PROGRAM IN COMPLIANCE WITH THIS SUBTITLE;

~~(IV)~~ (III) THE POLICIES AND PROCEDURES TO BE IMPLEMENTED BY THE ASSISTED LIVING PROGRAM;

~~(V)~~ (IV) IDENTIFICATION OF THE PERSONNEL AND RELIEF PERSONNEL TO BE EMPLOYED BY THE ASSISTED LIVING PROGRAM; AND

~~(VI)~~ (V) ANY OTHER INFORMATION THAT IS RELEVANT TO THE ABILITY OF THE APPLICANT TO CARE FOR THE RESIDENTS OF THE ASSISTED LIVING PROGRAM.

(C) (1) THE SECRETARY SHALL:

(I) REVIEW THE APPLICATION AND INFORMATION RECEIVED UNDER SUBSECTION (B) OF THIS SECTION; AND

(II) CONDUCT AN INDEPENDENT INVESTIGATION OF THE ASSISTED LIVING PROGRAM APPLYING FOR INITIAL LICENSURE.

(2) BASED ON THE REVIEW AND INVESTIGATION CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL:

(I) AUTHORIZE THE UNCONDITIONAL APPROVAL OF THE APPLICATION;

(II) AUTHORIZE THE CONDITIONAL APPROVAL OF THE APPLICATION; OR

(III) DENY THE APPLICATION.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ASSISTED LIVING PROGRAM LICENSE IS VALID FOR 2 YEARS.

(2) THE SECRETARY MAY ISSUE AN INITIAL PROBATIONARY LICENSE THAT IS VALID FOR LESS THAN 2 YEARS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) The Department of Health and Mental Hygiene, in consultation with a geriatrician, a gerontologist, an expert in Alzheimer's Disease dementia, an expert in mental illness, representatives from the Board of Nursing, consumers, advocates, the assisted living industry, and other interested stakeholders, shall develop a methodology based on resident need from criteria in the Resident Assessment Tool to determine when awake overnight staff and on-site nursing should not be required in an assisted living program; ~~and~~

(2) Nothing in this subsection shall prevent the Department of Health and Mental Hygiene from adopting regulations regarding on-site nursing or awake overnight staff based on criteria other than the methodology developed under paragraph (1) of this subsection; and