

IN DETERMINING THE RATIO OF THE DIRECT-CARE STAFF TO RESIDENTS IN A RESIDENTIAL FACILITY, THE STAFF TO BE COUNTED SHALL BE ONLY:

(1) THE MEMBERS OF THE STAFF WHO ARE:

(I) ASSIGNED TO THE PHYSICAL AND DEVELOPMENTAL CARE OF RESIDENTS;

(II) ASSIGNED TO THE LIVING UNIT FOR THE SHIFT; AND

(III) PHYSICALLY PRESENT ON THE JOB AT ALL TIMES DURING THE SHIFT;

(2) THE MEMBERS OF THE STAFF:

(I) WHO ARE ASSIGNED TO THE LIVING UNIT; AND

(II) WHOSE PRIMARY RESPONSIBILITY IS IN TRAINING RESIDENTS IN ACTIVITIES OF DAILY LIVING, THE DEVELOPMENT OF SELF-HELP, AND SOCIAL SKILLS; AND

(3) THE MEMBERS OF THE PROFESSIONAL STAFF WHO ARE:

(I) ASSIGNED TO THE LIVING UNIT; AND

(II) ASSIGNED TO PROVIDE PROGRAM SERVICES FOR A TIME PERIOD THAT THE DEPARTMENT DETERMINES.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 59A, § 8B.

As to which residents are counted for purposes of this ratio, see § 2-103(d) of this article.

Defined terms: "Department" § 1-101
"Facility" § 7-101

SUBTITLE 9. PROHIBITED ACTS; PENALTIES; CIVIL LIABILITY.

7-901. OPERATING WITHOUT LICENSE.

(A) OPERATION PROHIBITED.

A PERSON MAY NOT OPERATE A PRIVATE FACILITY UNLESS LICENSED BY THE ADMINISTRATION.

(B) PENALTY FOR FACILITY OPERATOR.

A PERSON WHO OPERATES A PRIVATE FACILITY IN VIOLATION OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$10,000.