

the Account is a continuing nonlapsing fund; providing that any unspent portions of the Account shall remain in the Account; providing that the Account shall be used for certain purposes designed to improve the quality of care; requiring the Department to adopt certain regulations; and generally relating to assisted living programs.

BY adding to

Article – Health – General

Section 19–1808 through 19–1810

Annotated Code of Maryland

(2005 Replacement Volume and 2005 Supplement)

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

**Article – Health – General**

19–1808.

(A) (1) A PERSON MAY NOT KNOWINGLY AND WILLFULLY OPERATE, MAINTAIN, OR OWN AN ASSISTED LIVING PROGRAM WITHOUT A LICENSE.

(2) A PERSON WHO VIOLATES PARAGRAPH (1) OF THIS SUBSECTION IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO:

(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH, OR

(II) FOR A SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING \$20,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

(3) IF THE DEPARTMENT FINDS AN ASSISTED LIVING PROGRAM TO BE IN VIOLATION OF PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL SEND WRITTEN NOTICE TO THE PROGRAM 30 DAYS BEFORE THE STATE FILES CHARGES UNDER THIS SECTION IN ORDER TO GIVE THE PROGRAM AN OPPORTUNITY TO COME INTO COMPLIANCE WITH LICENSURE REQUIREMENTS.

(4) A PERSON MAY NOT BE SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION IF THE PERSON HAS:

(I) APPLIED IN GOOD FAITH TO THE DEPARTMENT FOR AN ASSISTED LIVING PROGRAM LICENSE;

(II) IS AWAITING A DECISION FROM THE DEPARTMENT REGARDING THE APPLICATION; AND

(III) HAS NOT BEEN DENIED AN ASSISTED LIVING PROGRAM LICENSE ON A PRIOR OCCASION.

(5) IN RECOMMENDING THE AMOUNT OF THE CRIMINAL PENALTY UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE STATE SHALL CONSIDER FACTORS