

an individual who resides in an assisted living facility licensed by the Department and who is within one or more of the categories specified in COMAR 10.07.14.10(j).

(2) On or before December 15 of each year, the Department shall submit to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly, a report concerning its experience with level of care 3 plus waivers for the preceding 12-month period that ends on November 30.

(3) For each and all assisted living facilities, the report shall include:

(i) The total number of level of care 3 plus waivers requested from and total granted by the Department;

(ii) The duration of each level of care 3 plus waiver and the average duration of all level of care 3 plus waivers granted by the Department;

(iii) The total number of residents who were granted a level of care 3 plus waiver by the Department and remained at their assisted living facility under that waiver; and

(iv) The total number of residents who were granted a level of care 3 plus waiver and were subsequently transferred.

[(c)] (D) (1) The Department, in consultation with representatives of the affected industry and advocates for residents of the facilities and with the approval of the Department of Aging and the Department of Human Resources, shall adopt regulations to implement this subtitle.

(2) The regulations adopted under paragraph (1) of this subsection shall:

(i) Provide for the licensing of assisted living programs and the renewal of licenses;

(ii) Require the Secretary to charge fees in a manner that will produce funds not to exceed the actual direct and indirect costs to the Department for inspecting assisted living program facilities and maintaining the licensure program for assisted living programs under this subtitle;

(iii) Require the Department, during a survey or other inspection of an assisted living program, to review the number of waivers granted to the program under subsection (a)(3) of this section and determine whether a change in the program's licensure status is warranted; and

(iv) Require an assisted living program facility to post in a conspicuous place visible to actual and potential residents of the facility and other interested parties:

1. A. Its statement of deficiencies for the most recent survey;

B. Any subsequent complaint investigations conducted by federal, State, or local surveyors; and