

WHEREAS, The General Assembly declares that Assisted Living Programs providing services to ~~eight~~ 15 or fewer individuals require additional time, resources, and technical assistance in order to come into compliance with the new regulations adopted by DHMH, now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, notwithstanding any provision of Chapter 147 of the Acts of the General Assembly of 1996, the Secretary of Health and Mental Hygiene, prior to July 1, 1999, may not ~~implement or enforce any provision of~~ impose any sanctions under that Act, or any regulation adopted under it, with respect to an assisted living program, as defined in § 19-801 of the Health - General Article, that provides services to ~~eight~~ 15 or fewer individuals, unless the actions of an assisted living program that provides services to ~~eight~~ 15 or fewer individuals have: (1) caused actual physical or emotional harm to a resident in the program; or (2) placed a resident in the program at serious risk of physical or emotional harm.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Department of Health and Mental Hygiene may require any assisted living program that provides services to 15 or fewer individuals to notify the Department of significant difficulties encountered by the program in implementing the regulations adopted under Chapter 147 of the Acts of the General Assembly of 1996; and

(b) Upon receipt of notification under subsection (a) of this section, the Department shall provide to the assisted living program providing the notice technical assistance regarding compliance with the regulations.

~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before January 1, 1999, the Department of Health and Mental Hygiene, in accordance with § 2-1246 of the State Government Article, shall report to the General Assembly regarding the financial impacts on assisted living programs that provide services to 15 or fewer individuals of complying with the regulations adopted under Chapter 147 of the Acts of the General Assembly of 1996.~~

SECTION 3. AND BE IT FURTHER ENACTED, That before January 1, 1999, the Department of Health and Mental Hygiene shall report, in accordance with § 2-1246 of the State Government Article, to the General Assembly on the implementation of the regulations adopted under Chapter 147 of the Acts of the General Assembly of 1996. The report shall include:

(1) the financial impact that the regulations will have on assisted living programs providing services to 15 or fewer individuals;

(2) the efforts made by the Department of Health and Mental Hygiene, the Office on Aging, and the Department of Human Resources to work with local governments on issues affecting assisted living programs; and

(3) the impact the level of care waiver provision has on the health care industry including the safety of the residents affected by the granting of a level of care waiver.