

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
1999 Legislative Session

Bill No. CB-78-1999
 Chapter No. 60
 Proposed and Presented by The Chairman (by request – County Executive)
 Introduced by Council Members Scott and Wilson
 Co-Sponsors _____
 Date of Introduction October 26, 1999

BILL

1 AN ACT concerning

2 Assisted Living Programs

3 For the purpose of adopting the Code of Maryland Regulations (COMAR) 10.07.14 Governing
 4 Assisted Living Programs with certain additions, insertions and changes.

5 BY adding:

6 SUBTITLE 12. HEALTH.

7 Sections 12-177, 12-178, 12-179, 12-180,

8 12-181, 12-182, 12-183, 12-184, 12-185,

9 12-186, 12-187, and 12-188,

10 The Prince George's County Code

11 (1995 Edition, 1998 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, that Sections 12-177 through 12-188, comprising a new Division 7A, "Assisted
 14 Living Programs," be and the same are hereby added to the Prince George's County Code:

SUBTITLE 12. HEALTH

DIVISION 7A. ASSISTED LIVING PROGRAMS

Subdivision 1. State regulations adopted

Sec. 12-177. State Regulations governing assisted living programs adopted by reference.

19 The Maryland State Department of Health and Mental Hygiene Regulations Governing
 20 Assisted Living Programs as set out in the Code of Maryland Regulations (COMAR 10.07.14),
 21 and as they may be amended from time to time, are hereby adopted by reference as the County

1 regulations governing assisted living programs and made part of this Subtitle, with the additions,
 2 insertions, and changes prescribed in this Division. The Health Officer shall at all times
 3 maintain and keep current one (1) set of such State regulations for public inspection.

4 **Subdivision 2. County additions, insertions and changes to the State regulations.**

5 **Sec. 12-178. Additions, insertions, and changes to the State regulations.**

6 The following additions, insertions, and changes are hereby made to the Maryland State
 7 Department of Health and Mental Hygiene Regulations Governing Assisted Living Programs
 8 adopted by reference herein as the County regulations governing assisted living programs.

9 **Sec. 12-179. Definitions.**

10 (a) In addition to the definition of terms contained in the State regulations adopted by
 11 reference in this Division, the following definitions and terminology shall apply and are
 12 applicable to such provisions adopted by reference:

13 (1) **Approving Authority** means the Prince George's County Health Officer.

14 (2) **Assisted Living Program** means a residential or facility-based program that
 15 provides housing and supportive services, supervision, personalized assistance, health-related
 16 services, or a combination of these services to meet the needs of residents who are unable to
 17 perform, or who need assistance in performing, the activities of daily living or instrumental
 18 activities of daily living, in a way that promotes optimum dignity and independence for the
 19 residents. Assisted Living Program does not include a Nursing Home, a Hospice facility,
 20 services provided by family members, services provided by a licensed residential service agency
 21 or licensed home health agency in an individual's own home, or emergency, transitional, and
 22 permanent housing arrangements for the homeless and/or victims of domestic violence.

23 (3) **Department** means the Prince George's County Health Department.

24 (4) **Health Officer** means the Prince George's County Health Officer or the
 25 Health Officer's designee.

26 (5) **Household Member** means an individual living in an assisted living
 27 facility who is not a resident or staff and does not require assisted living or skilled services from
 28 the facility staff.

29 (6) **Secretary of Health and Mental Hygiene** means the Secretary of the Maryland
 30 Department of Health and Mental Hygiene.

Sec. 12-180. Assisted Living license required.

(a) It shall be unlawful for any person to operate an assisted living program without a valid license issued by the Health Officer.

(b) Any person desiring to operate an assisted living program shall make written application to the Health Officer for a license to operate the program. A separate license shall be required for each program location.

(c) Application for an assisted living program license shall be on a form approved by the Health Officer. In the case of new facilities, or facilities materially altered, the application must be accompanied by plans and specifications for the proposed facility.

Sec. 12-181. License issuance, denial.

(a) When, upon review of the application form and following a complete inspection of the assisted living facility, the Health Officer is satisfied that the program and the facility complies with the provisions of this Division, the appropriate requirements of the Secretary of Health and Mental Hygiene, and the State and County health laws, a license to operate shall be issued.

(b) If the program and/or facility does not meet the foregoing requirements, the Health Officer shall deny a license to operate an assisted living program. Final denial shall be in writing.

Sec. 12-182. Posting license; terms; renewal; fees.

(a) The license issued by the Health Officer shall be prominently posted in public view within the assisted living facility.

(b) The license shall be valid for a period not in excess of two (2) years, expiring on the date designated by the Health Officer.

(c) The license fee shall be Two Hundred Dollars (\$200.00) per year with an additional Ten Dollars (\$10.00) per bed for all beds above eight (8).

(d) At the time of submitting plans to the Health Department for a new or remodeled assisted living facility, a fee of Two Hundred Dollars (\$200.00) for new facilities or a fee of One Hundred Fifty Dollars (\$150.00) for remodeled facilities shall be paid. A fee of an additional Twenty-five Dollars (\$25.00) shall be paid for each resubmittal of plans after the first resubmittal. An additional Twenty-five Dollars (\$25.00) shall be paid for each reinspection after the first reinspection required prior to the approval to operate. A fee of Twenty-five Dollars (\$25.00) shall be paid for prospective inspections, consultations, and equipment evaluations.

(e) Any holder of a license issued pursuant to this Section who is required to pay for said license and who fails to submit to the Health Officer an application for renewal of the license, together with the required fee not later than five (5) days following the expiration date of the existing license, shall be assessed an additional fee of Twenty Dollars (\$20.00) per day for each day following the expiration of the existing license.

(f) A duplicate license will be issued, on request, at a charge of Fifteen Dollars (\$15.00)
Sec. 12-183. Reports of abuse, neglect, or exploitation.

A licensee or employee of an assisted living program who believes that a resident has been subjected to abuse, neglect, or exploitation shall report the alleged abuse, neglect, or exploitation within twenty-four (24) hours to the Prince George's County Health Department Division of Adult and Geriatric Health in addition to complying with COMAR 10.07.14.27.

Sec. 12-184. Suspension; revocation of license.

In cases where there is a serious violation of the regulations adopted herein, the requirements of the Secretary of Health and Mental Hygiene, or the State and County health laws which, in the sole discretion of the Health Officer, creates a serious and immediate danger to the public health, the Health Officer shall deliver a written notice suspending or revoking the program's license subject to a hearing held at the request of the operator.

Sec. 12-185. Hearings.

A fee of One Hundred Dollars (\$100.00) shall be charged for administrative/ enforcement hearings held pursuant to this Division. The operator will not be obligated to pay the fee for the scheduled hearing if a request to cancel or reschedule is received at least twenty-four (24) hours in advance of the scheduled hearing.

Sec. 12-186. Inspections; access.

(a) The Health Officer shall make inspections of assisted living programs to determine compliance with this Division, the appropriate requirements of the Secretary of Health and Mental Hygiene, and the health laws of the State and County.

(b) The Health Officer shall be permitted access to all parts of assisted living facilities during all hours and shall be permitted to inspect all resident records.

Sec. 12-187. Infection control.

(a) The manager of the assisted living program shall ensure that all employees follow “standard precautions” as stated by the Centers for Disease Control and Prevention when handling used syringes, needles, or items contaminated by body fluids.

(b) If caring for patients with communicable disease, including, but not limited to, Methicillin – Resistant Staphylococcus aureus (MRSA), Vancomycin–Resistant Enterococcus (VRE), C – Difficile, Scabies, Lice, Shingles, appropriate infection control policies and procedures must be available and in use by all caregivers.

Sec. 12-188. Exceptions to Delegated Authority.

(a) All sanctions, civil penalties, and criminal penalties as outlined in COMAR 10.07.14.48-10.07.14.50 will remain under the authority of the Secretary.

(b) All variance requests dealing with levels of care will remain under the authority of the Secretary.

(c) All certification training for medication management shall remain under the authority of the Secretary.

1 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
2 calendar days after it becomes law.

Adopted this 23rd day of November, 1999.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
M. H. Jim Estepp
Chairman

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Wayne K. Curry
County Executive

KEY:
Underscoring indicates language added to existing law.