

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1996 Legislative Session

Bill No. _____ CB-75-1996

Chapter No. _____ 52

Proposed and Presented by Chairman Del Giudice (by request - County Executive)

Introduced by Council Members Scott, Bailey, Wilson, and Russell

Co-Sponsors

Date of Introduction _____ September 17, 1996

BILL

AN ACT concerning

Congregate Living Facilities for the Elderly or Physically Handicapped

For the purpose of amending the requirements for the admission of a resident to a congregate living facility, and requiring the Health Officer to make certain assessments as to the appropriateness of congregate living for residents.

BY repealing and reenacting with amendments:

SUBTITLE 12. HEALTH.

Sections 12-169 and 12-175,

The Prince George's County Code

(1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 12-169 and 12-175 of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 12. HEALTH.

DIVISION 7. CONGREGATE LIVING FACILITIES FOR THE

ELDERLY OR PHYSICALLY

HANDICAPPED.

Sec. 12-169. License requirements, penalties for operating without a license.

(a) It shall be unlawful for any person to establish, maintain, or operate a congregate living facility within the County without first obtaining a license from the Health Officer to do

so, and then only in accordance with the terms of such license. The Health Officer shall have the power in specific cases to waive any license requirement, in harmony with the general purpose and intent of this Division, if he finds that compliance is not practicable or desirable, or would constitute an unreasonable hardship [to] based on a comprehensive individual assessment of the elderly or disabled. A waiver may be revoked at any time:

- (1) If a facility violates any conditions of the waiver; or
- (2) Upon transfer or lease of facility ownership; or
- (3) If it shall appear to the Health Officer that an unreasonable risk to the continued health or safety of the patients exists.

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Sec. 12-175. Admissions, discharge, persons not admissible.

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(f) Facilities licensed under this Division may not admit a person requiring 24-hour licensed nursing observation or nursing care as defined in Section 19-301, Health - General Article, Annotated Code of Maryland. [Persons requiring services described in the Maryland State Department of Mental Hygiene Regulations governing nursing home facilities (Comar 10.07.02) shall not be admitted as residents of a congregate living facility. Such persons include those who need:

- (1) Physical or chemical restraints and/or are totally bedfast.
- (2) Locked areas for their safety because of behavior dangerous to themselves or others.
- (3) Assistance because they are unable to leave a facility without help in an emergency situation (i.e., no wheelchairs above ground level access unless exterior ramps are provided).
- (4) Physical assistance because of extreme confusion or who are mentally ill and could not evacuate a facility in an emergency situation without assistance.
- (5) Constant supervision because they present a danger to themselves or to others.
- (6) Injections or psychotropic medication (except insulin) given on an "as needed" judgmental basis, rather than on a periodic or routine basis.

(7) Care because of communicable disease.

(8) Care because of oxygen therapy, stomach tubes or use of sectioning equipment.]

* * * * *

(j) A facility shall not accept or keep residents [who are destructive of property or dangerous to themselves or others, or who have a diagnosis of a serious mental illness] whose residency would constitute a direct threat to the health or safety of themselves or other individuals or whose residency would result in substantial physical damage to the property of others.

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

Adopted this 8th day of October, 1996.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Stephen J. Del Giudice
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.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.