

## **DHMH Seeks Public Comment on the Proposed Regulations of Assisted Living Programs**

The Maryland Department of Mental Health and Hygiene (DHMH) is seeking informal public comment as it prepares to revise regulations on the oversight of assisted living programs in Maryland. Listed are the most significant proposed changes. There may be other changes in the proposed regulations that change terminology, but are not considered substantive.

### 1) Repealed Regulations:

- 10.07.14.05 Levels of Care
- 10.07.14.15 Assisted Living Manager
- 10.07.14.18 Alternate Assisted Living Manager
- 10.07.14.19 Other Staff – Qualifications
- 10.07.14.20 Delegating Nurse
- 10.07.14.21 Preadmission Requirements
- 10.07.14.22 Resident – Specific Level of Care Waiver
- 10.07.14.23 Admission Requirements
- 10.07.14.32 Records
- 10.07.14.40 Approval of Burial Arrangements for Unclaimed Deceased Residents

### 2) 10.07.14.02 Definitions

#### Added:

*Alzheimer's/dementia special care*  
*Case management*  
*Controlled Dangerous Substances (CDS)*  
*Interim medication*  
*Manager*  
*Medical Orders for Life-Sustaining Treatment (MOLST) form*  
*Nursing assessment*  
*Personal care services*  
*Program*  
*Stage four pressure ulcer*  
*Stage three pressure ulcer*

#### Altered:

Delegating nurse/*case manager*  
Home health services  
*Resident Assessment Tool*  
Service Plan  
Short – term residential care

#### Deleted:

Agent  
Assessment

Assisted living manager  
Intermittent nursing care  
Lavatory

- 3) .03 Incorporation by Reference – additional references listed
- 4) .04 License Required – multiple substantive changes
- 5) [.06] .05 Restrictions – see section D
- 6) [.07] .06 Licensing Procedure. – multiple substantive changes
- 7) [.08] .07 Changes in a Program that Affect the Operating License. – additional sections E—F
- 8) [.09] .08 Licensure Standards Waiver – repeal section B
- 9) [.14] .13 Staffing [Plan] – multiple substantive changes
- 10) .14 *Requirements for All Staff* – New regulation
- 11) [.16 Assisted Living Managers—Training Requirements.] .15 *Manager and Alternate Manager* –multiple substantive changes
- 12) [.17 Assisted Living Manager Training—Basic Courses.] .16 *Manager Training Course* – requiring all managers to have 80 hours of training in listed areas and adds MOLST training.
- 13) .17 *Nursing Oversight* – New regulation
- 14) .18 *Resident Assessment Tool* – New regulation
- 15) .19 *Resident-Specific Waiver* – New regulation
- 16) [.24] .20 Resident Agreement — General Requirements and Nonfinancial Content – Sections D—F have multiple substantive changes
- 17) [.25] .21 Resident Agreement — Financial Content – substantive changes
- 18) [.26] .22 Service Plan – multiple substantive changes
- 19) [.27] .23 Resident Record[or Log] – multiple substantive changes
- 20) [.28] .24 *Services* – see section H

- 21) [.29] .25 Medication Management and Administration – multiple substantive changes
- 22) [.30] .26 Alzheimer's/Dementia Special Care Unit – multiple substantive additions
- 23) .27 *Alzheimer's/Dementia Special Care* – New regulation
- 24) [.31] .28 Incident Reports – see section D
- 25) [.35] .31 Resident's Rights - **A(25)** *Return to the program from a hospitalization or a 15 day or greater stay in any skilled facility, unless the manager has documented that the resident's care needs exceed what the program can provide.*
- 26) [.36] .32 Abuse, Neglect, and Financial Exploitation – see section B
- 27) [.46] .41 Emergency Preparedness – multiple substantive changes
- 28) .42 Smoking - *Indoor areas shall be smoke-free in compliance with the Clean Indoor Air Act of 2007.*
- 29) [.57] .52 Civil Money Penalties – see sections F—G
- 30) [.58] .53 Amount of Civil Money Penalties – amount of fines have changed, see section A

DHMH welcomes informal public comments on the proposed regulations. **Comments will be accepted through April 25, 2014** by Frank Johnson, Director, Office of Policy and Administration, Office of Health Care Quality. Please submit comments via email to [frank.johnson@maryland.gov](mailto:frank.johnson@maryland.gov) or via postal mail to Frank Johnson, DHMH Office of Health Care Quality, Spring Grove Hospital Center, Bland Bryant Building, 55 Wade Avenue, Catonsville, MD 21228.