



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

STATE BOARD OF LONG-TERM CARE ADMINISTRATORS

October 2, 2023

The Honorable Joseline A. Peña-Melnyk
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, Maryland 21401

The Honorable Senator Melony Griffith
Chair, Finance Committee
3 East Miller Senate Office Building
11 Bladen Street
Annapolis, Maryland 21401

RE: Report on Status of Assisted Living Manager Licensing Required Under 2022 HB 1034 and SB 480

Dear Delegate Peña-Melnyk and Senator Griffith,

On October 1, 2022, House Bill 1034/Senate Bill 480 (the “Bill”) took effect, which will require a license for assisted living managers (“ALMs”). Under the Bill, in order to practice as an ALM in Maryland, an individual must be licensed by October 1, 2024 by the State Board of Long-Term Care Administrators (the “Board”). There are approximately 1,700 assisted living programs in Maryland and the Board anticipates between 3,000 and 4,000 ALM applications.

Prior to the Bill’s enactment, the Board exclusively licensed and regulated nursing home administrators. There are approximately 230 nursing homes and 500 licensed nursing home administrators in Maryland. Thus, on October 1, 2024, the Board will license and regulate both nursing home administrators and ALMs.

Pursuant to uncodified language in the Bill, the Board is required to submit a report to the House Health and Government Operations Committee and the Senate Finance Committee on its preparedness to license and regulate ALMs. The Bill lists five areas in which to report. Here, the Board provides its report.

1. The status of the appointment of the assisted living managers to the Board.

The Bill, which took effect on October 1, 2022, mandated an increase in the number of Board members from 14 to 18, to include five ALMs and five nursing home administrators. Prior to the Bill taking effect, the Board had six nursing home administrators, thus the Bill decreased the number of nursing home administrators by one. To date, no ALMs have been appointed to the Board. The Governor's Office of Appointments notified the Board that, as of September 28, 2023, applications for ALM Board members are still under review and it is awaiting recommendations from a long-term care trade association.

2. *The number of personnel employed by the Board to implement the assisted living manager licensure requirements.*

Currently, the Board has two full-time employees. These two are the Acting Executive Director, who joined the Board on June 15, 2022, as the Deputy Director/Licensing Coordinator, and an Office Clerk/Licensing Assistant I, who joined the Board on June 2, 2023. The Deputy Director accepted the role as the Acting Executive Director upon the resignation of the former executive director, which was effective on September 8, 2023. The Board is currently working with the Maryland Department of Health to hire a permanent executive director. Interviews are expected to begin immediately.

The Board also shares one Health Occupations Investigator with six other health occupation boards. The Health Occupations Investigator investigates complaints against licensees and disqualifying information against applicants. The complaints may result in disciplinary actions against licensees, and information obtained in the application process may result in the denial of a license for applicants. Due to the dramatic increase in the number of licensees that will be regulated by the Board, additional funding is necessary to have the Office of Administrative Hearings hold the evidentiary hearings on Board actions against licensees and applicants. In addition, the Board also shares a Legislative and Regulations Coordinator with 16 other health occupations Boards, in addition to sharing a Fiscal Officer.

In anticipation of significantly increased personnel needs, in August 2023, the Board submitted over-the-target budget forms for fiscal year 2025, requesting three additional positions: Administrator I (Grade 16), Health Occupations Investigator Supervisor (Grade 17), and an Office Secretary II (Grade 9). These positions will assist in areas such as licensing, compliance with regulatory requirements, investigation and disciplinary actions, fiscal management, and exam/education/training monitoring.

3. *The ability of the Board's software platform to accept applications for licensure as assisted living managers.*

The Board is working with the health occupations boards' IT Team to modify the current licensing system to accept new license application types and print hard copy licenses. The Board is exploring adopting the SmartSheet system, which was developed by the Board of Examiners for Audiologists, Hearing Aid Dispensers, Speech-Language Pathologists, and Music Therapists, to use as an alternative until a new licensing system is implemented. Unfortunately, at this time, IT is not able to guarantee that an electronic system for accepting applications for the issuance of licenses will be in operation by October 1, 2024.

4. *The time frame for informing and steps that will be taken to inform assisted living programs and assisted living managers of the licensure requirements.*

The Board will send notifications by December 2023 to ALMs using an ALM Contact Recipient List and GovDelivery as communication resources. In addition, newsletters will be mailed to the Assisted Living Programs utilizing the list of approved Assisted Living Programs from the Office of Health Care Quality.

5. *Any other policies that the Board anticipates adopting to implement this Act.*

The Board will develop and implement the regulations, guidelines, and policies required by the general provisions of the Health Occupations Article with respect to ALMs, such as sexual misconduct regulations, Health Occ. § 1-212; a disciplinary subcommittee, Health Occ. § 1-602; and sanctioning guidelines, Health Occ. § 1-606.

If more information is needed, please contact me at 410-764-4750 or at kelliec.smith@maryland.gov.

Sincerely,



Kellie C. Smith
Acting Executive Director