

**Maryland Department of Health
State Board of Long-Term Care Administrators**



**ANNOTATED CODE OF MARYLAND HEALTH
OCCUPATIONS ARTICLE TITLE 9**

Article - Health Occupations

Subtitle 1 - Definitions; General Provisions

§9–101.

(a) In this title the following words have the meanings indicated.

(b) “Assisted living manager” means an individual who oversees and is responsible for the day-to-day operation of an assisted living program.

(c) “Assisted living program” has the meaning stated in § 19–1801 of the Health – General Article.

(d) “Board” means the State Board of Long-Term Care Administrators.

(e) “Family member” means:

(1) A spouse;

(2) A child;

(3) A sibling;

(4) A parent;

(5) A grandparent;

(6) A niece or nephew; or

(7) An uncle or aunt.

(f) “License” means, unless the context requires otherwise:

(1) A license issued by the Board to practice as a nursing home administrator under Subtitle 3 of this title; or

(2) A license issued by the Board to practice as an assisted living manager under Subtitle 3A of this title.

(g) “Licensed assisted living manager” means, unless the context requires otherwise, an individual who is licensed by the Board to practice as an assisted living manager.

(h) “Licensed nursing home administrator” means, unless the context requires otherwise, an individual who is licensed by the Board to practice as a nursing home administrator.

(i) “Nursing home” means an institution or part of an institution that:

(1) Is a “skilled nursing facility” or an “intermediate care facility” as those terms are defined by federal law and participates in a program under Title XVIII or Title XIX of the Social Security Act; or

(2) If it is licensed only by this State, otherwise meets the federal requirements for a “skilled nursing facility” or an “intermediate care facility” as those terms are defined by federal law.

(j) “Nursing home administrator” means an individual who administers, manages, or is in general administrative charge of a nursing home whether or not the individual:

(1) Has an ownership interest in the nursing home; or

(2) Shares duties and functions with other individuals.

Article - Health Occupations

§9–102.

This title does not limit the right of an individual to practice a health occupation that the individual is authorized to practice under this article.

Article - Health Occupations

Subtitle 2 - State Board of Long-Term Care Administrators

§9–201.

There is a State Board of Long–Term Care Administrators in the Department.

Article - Health Occupations

§9–202.

(a) (1) The Board consists of 18 members.

(2) Of the Board members:

(i) Five shall be licensed nursing home administrators, one of whom has experience with the Eden Alternative Green House or a similar program, if practicable;

(ii) Two shall be individuals who are not nursing home administrators or assisted living managers but who are engaged actively in professions that are concerned with the care of chronically ill, infirm, or aged individuals;

(iii) 1. As soon as practicable, five shall be assisted living managers who have:

A. Completed the manager training course required under § 19–1807(a) of the Health – General Article or are exempt from the requirement under § 19–1807(d) of the Health – General Article; and

B. Been actively employed by an assisted living program; and

2. On or after July 1, 2026, five shall be licensed assisted living managers;

(iv) One shall be a physician or a nurse practitioner who specializes in geriatrics;

(v) One shall be a geriatric social worker;

(vi) One shall be the State Long–Term Care Ombudsman designated under § 10–903 of the Human Services Article; and

(vii) Two shall be consumer members.

(3) Not more than three members may be officials or full–time employees of this State or of any of its political subdivisions.

(4) A representative of the Office of Health Care Quality shall serve as an ex officio member.

(b) (1) The Governor shall appoint the consumer members with the advice of the Secretary and the advice and consent of the Senate.

(2) (i) Except for the consumer members and the State Long-Term Care Ombudsman, the Governor shall appoint each Board member, with the advice of the Secretary.

(ii) The Secretary shall recommend a professional who:

1. Is actively practicing;

2. Has a minimum of 5 years of appropriate practice experience in the discipline of the vacancy to be filled; and

3. Otherwise meets the requirements of this section.

(c) Each Board member shall:

(1) Be a United States citizen or have declared an intent to become a United States citizen; and

(2) Have resided in this State for at least 1 year before appointment to the Board.

(d) (1) Each consumer member of the Board:

(i) Shall be a member of the general public;

(ii) May not be or ever have been a nursing home administrator or an assisted living manager or in training to become a nursing home administrator or an assisted living manager;

(iii) May not have a household member who is a nursing home administrator or an assisted living manager or in training to become a nursing home administrator or an assisted living manager;

(iv) May not participate or ever have participated in a commercial or professional field related to the practice of a nursing home administrator or assisted living manager;

(v) May not have a household member who participates in a commercial or professional field related to the practice of a nursing home administrator or an assisted living manager; and

(vi) May not have had within 2 years before appointment a substantial financial interest in a person regulated by the Board.

(2) Of the consumer members:

(i) One shall have presently or have had within the 5 years immediately preceding initial appointment a family member living in a nursing home; and

(ii) One shall have presently or have had within the 5 years immediately preceding initial appointment a family member who receives services living in an assisted living program.

(e) While a member of the Board, a consumer member may not have a substantial financial interest in a person regulated by the Board.

(f) Before taking office, each appointee to the Board shall take the oath required by Article I, § 9 of the Maryland Constitution.

(g) (1) This subsection does not apply to the State Long-Term Care Ombudsman.

(2) The term of a member is 4 years.

(3) The terms of members are staggered as required by the terms provided for members of the Board on July 1, 1981.

(4) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(5) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(6) A member may not serve more than 2 consecutive full terms.

(7) To the extent practicable, the Governor shall fill any vacancy on the Board within 60 days of the date of the vacancy.

(h) (1) The Governor may remove a member for incompetence, misconduct, incapacity, or neglect of duty.

(2) Upon the recommendation of the Secretary, the Governor may remove a member whom the Secretary finds to have been absent from 2 successive Board meetings without adequate reason.

Article - Health Occupations

§9–203.

(a) From among the Board members, the Governor shall appoint a chairman and vice chairman of the Board.

(b) (1) The Board shall appoint and the Secretary shall confirm the Board executive director.

(2) The Board executive director may not be a member of the Board and serves at the pleasure of the Board.

(3) The Board executive director is the executive officer of the Board.

(4) The Board executive director shall have, at a minimum, a bachelor's degree.

(c) The Board shall determine the duties of each officer.

Article - Health Occupations

§9–204.

- (a) A majority of the full authorized membership of the Board is a quorum.
- (b) The Board shall meet at least twice a year, at the times and places that it determines.
- (c) Each member of the Board is entitled to:
 - (1) Compensation determined by the Secretary in accordance with the State budget, unless the member otherwise is a public employee; and
 - (2) Reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.
- (d) The Board may employ a staff in accordance with the State budget.

Article - Health Occupations

§9–205.

- (a) In addition to the powers set forth elsewhere in this title, the Board may:
 - (1) Adopt rules and regulations to carry out the provisions of this title; and
 - (2) Take any action necessary to enable the State to meet applicable federal requirements.
- (b) In addition to the duties set forth elsewhere in this title, the Board shall:
 - (1) Report directly to the Secretary, as the Secretary requires;
 - (2) Adopt standards for:
 - (i) Licensure of applicants; and
 - (ii) Practice of licensees;
 - (3) Devise examinations and adopt investigative procedures to:
 - (i) Determine whether licensees meet the standards adopted by the Board; and
 - (ii) Assure that licensees continue to meet these standards; and
 - (4) Conduct a continuing study and investigation of nursing homes and nursing home administrators to improve:
 - (i) Licensing standards; and
 - (ii) Procedures for enforcing these standards.

Article - Health Occupations

§9–206.

(a) The Board may set reasonable fees for the issuance and renewal of licenses and its other services.

(b) The Board shall pay all funds collected under this title into the General Fund of this State.

Article - Health Occupations

§9–207.

A person shall have the immunity from liability described under § 5-710 of the Courts and Judicial Proceedings Article for giving information to the Board or otherwise participating in its activities.

Article - Health Occupations

§9–208.

(a) In this section, “rehabilitation committee” means a committee of the Board or a committee of any association representing nursing home administrators or assisted living managers that:

- (1) Is recognized by the Board;
- (2) Includes but is not limited to nursing home administrators and assisted living managers; and
- (3) Performs any of the functions listed in subsection (c) of this section.

(b) The rehabilitation committee may function:

- (1) Solely for the Board; or
- (2) Jointly with a rehabilitation committee representing another board or boards.

(c) For purposes of this section, the rehabilitation committee evaluates and provides assistance to any nursing home administrator or assisted living manager, and any other individual regulated by the Board, in need of treatment and rehabilitation for alcoholism, drug abuse, chemical dependency, or other physical, emotional, or mental condition.

(d) (1) Except as otherwise provided in this subsection, the proceedings, records, and files of the rehabilitation committee are not discoverable and are not admissible in evidence in any civil action arising out of matters that are being or have been reviewed and evaluated by the rehabilitation committee.

(2) Paragraph (1) of this subsection does not apply to any record or document that is considered by the rehabilitation committee and that otherwise would be subject to discovery or introduction into evidence in a civil action.

(3) For purposes of this subsection, civil action does not include a proceeding before the Board or judicial review of a proceeding before the Board.

(e) A person who acts in good faith and within the scope of jurisdiction of the rehabilitation committee is not civilly liable for any action as a member of the rehabilitation committee or for giving information to, participating in, or contributing to the function of the rehabilitation committee.

Article - Health Occupations

§9–209.

The Board is a medical review committee under § 1–401 of this article.

Article - Health Occupations

Subtitle 3 - Nursing Home Administrators

§9–301.

(a) Except as otherwise provided in this section, an individual shall be licensed by the Board before the individual may practice as a nursing home administrator in this State.

(b) (1) Except as provided in paragraph (2) of this subsection, if a licensee leaves or is removed from a position as a nursing home administrator by death or for any other unexpected cause, the owner of the nursing home or other appropriate nursing home authority shall immediately:

(i) Designate a licensed nursing home administrator to serve in that capacity; and

(ii) Notify the Board of the designated licensed nursing home administrator's name.

(2) (i) 1. In the event a licensed nursing home administrator is not available, the owner or other appropriate nursing home authority shall immediately appoint a nonlicensed person to serve in the capacity of interim nursing home administrator.

2. The appointed nonlicensed person may act as the interim nursing home administrator on filing an application with the Board requesting a provisional license to practice as the interim nursing home administrator for a period not to exceed 90 days.

(ii) 1. The owner or other appropriate nursing home authority shall immediately notify the Board of the appointment and forward the credentials of the person appointed to the Board for evaluation to assure that the person appointed is experienced, trained, and competent.

2. The Board may issue a provisional license to the applicant if the Board determines, in its discretion, that the applicant is of good moral character and capable of adequately administering the nursing home for the provisional period.

3. If the Board denies an application submitted in accordance with subparagraph (i)2 of this paragraph:

A. The nonlicensed person shall immediately cease acting as the interim nursing home administrator; and

B. If a licensed nursing home administrator remains unavailable, the owner or other appropriate nursing home authority shall immediately appoint another nonlicensed person to act as the interim nursing home administrator.

4. A person appointed under subsubparagraph 3 of this subparagraph shall file an application for a provisional license with the Board in accordance with this paragraph.

(iii) The 90-day period begins on the date that the licensee leaves or is removed from the position as a nursing home administrator.

(iv) The Board, on request and for good cause shown, may extend the 90-day period for a further period of not more than 30 days.

(3) A licensed nursing home administrator designated under paragraph (1) of this subsection shall submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

(4) A person appointed in accordance with paragraph (2) of this subsection shall submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

(5) The Board may deny approval of an appointment under paragraph (1) or (2) of this subsection based on the results of a criminal history records check required under paragraph (3) or (4) of this subsection after consideration of the factors listed in § 9-308(b)(1) of this subtitle.

(6) Paragraphs (3) and (4) of this subsection do not apply to a person licensed by a health occupations board who previously has completed a criminal history records check required for licensure.

Article - Health Occupations

§9–302.

(a) To qualify for a license, an applicant shall be an individual who:

(1) Submits to a criminal history records check in accordance with § 9–302.1 of this subtitle; and

(2) Meets the requirements of this section.

(b) The applicant shall be of good moral character.

(c) The applicant shall be at least 21 years old.

(d) (1) The applicant shall:

(i) 1. Have a baccalaureate or master's degree in health care administration from an accredited college or university; or

2. A. Have a baccalaureate or master's degree in a field other than health care administration from an accredited college or university; and

B. Have satisfactorily completed a minimum of 100 hours in a course of study in health care administration approved by the Board; and

(ii) 1. Have completed an administrator-in-training program approved by the Board; or

2. Have completed 1 year of full-time nursing home administration in a nursing home.

(2) The requirements of paragraph (1) of this subsection do not apply to an individual who:

(i) Was in possession of a valid license on December 15, 1988; or

(ii) 1. Had applied for a license by December 15, 1988; and

2. Met all of the other requirements for licensure.

(e) The Board may waive any education requirement of subsection (d) of this section for an individual who was licensed and practiced as a nursing home administrator for at least 3 years in another state.

(f) (1) Notwithstanding the provisions of subsection (d)(1)(i)1 or 2A of this section, the Board may not require an applicant to have a baccalaureate degree if the applicant:

(i) Is a registered nurse who:

1. Has an associate in arts degree in nursing; or
2. Is a diplomate nurse;

(ii) Has been working as a nursing home director of nursing for a period of at least 5 years, with at least 3 years experience at the same facility, prior to the date the applicant submits an application to the Board for a license;

(iii) Has completed at least 6 months of full-time nursing home administration in a training program approved by the Board; and

(iv) Has satisfactorily completed a minimum of 100 hours in a course of study in health care administration, or equivalent, approved by the Board.

(2) Whenever federal law requires that an applicant for a license to practice as a nursing home administrator must have a baccalaureate degree in health care administration or in a field other than health care administration the provisions of this section shall cease to be effective.

(g) Except as otherwise provided in this title, the applicant shall pass an examination given by the Board under this subtitle.

Article - Health Occupations

§9–302.1.

(a) In this section, “Central Repository” means the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services.

(b) As part of an application to the Central Repository for a State and national criminal history records check, an applicant shall submit to the Central Repository:

(1) One complete set of legible fingerprints taken in a manner approved by the Director of the Central Repository and the Director of the Federal Bureau of Investigation;

(2) The fee authorized under § 10–221(b)(7) of the Criminal Procedure Article for access to State criminal history records; and

(3) The processing fee required by the Federal Bureau of Investigation for a national criminal history records check.

(c) In accordance with §§ 10–201 through 10–229 of the Criminal Procedure Article, the Central Repository shall forward to the Board and to the applicant the criminal history record information of the applicant.

(d) If criminal history record information is reported to the Central Repository after the date of the initial criminal history records check, the Central Repository shall provide to the Board a revised printed statement of the individual’s State criminal history record.

(e) Information obtained from the Central Repository under this section:

- (1) Is confidential;
- (2) May not be redisseminated; and
- (3) May be used only for the purposes authorized by this title.

(f) The subject of a criminal history records check under this section may contest the contents of the printed statement issued by the Central Repository as provided in § 10–223 of the Criminal Procedure Article.

Article - Health Occupations

§9–303.

To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that the Board requires;
- (2) Pay to the Board the application fee set by the Board; and
- (3) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with § 9–302.1 of this subtitle.

Article - Health Occupations

§9–304.

- (a) The Board shall keep a file of each licensing application made under this subtitle.
- (b) The file shall contain:
 - (1) The name, address, and age of the applicant;
 - (2) The name and address of the employer or business connection of the applicant;
 - (3) The date of the application;
 - (4) Complete and current information on the educational, training, and experience qualifications of the applicant;
 - (5) The date the Board reviewed and acted on the application;
 - (6) The action taken by the Board on the application;
 - (7) The identifying numbers of any license certificate or renewal certificate issued to the applicant; and
 - (8) Any other information that the Board considers necessary.
- (c) The application files shall be open to public inspection.

Article - Health Occupations

§9–305.

(a) An applicant who otherwise qualifies for a license is entitled to be examined as provided in this section.

(b) The Board shall give examinations to applicants at least four times a year, at the times and places that the Board determines.

(c) The Board shall notify each qualified applicant of the time and place of examination.

(d) (1) Subject to the provisions of this subsection, the Board shall determine the subjects, scope, form, and passing score for examinations given under this subtitle.

(2) The subjects of examination shall be related to:

(i) Nursing home administration;

(ii) Health administration; and

(iii) Attendant matters.

(3) Each applicant shall be required to show knowledge of the laws, rules, and regulations that apply to nursing homes.

(4) The scope, content, and form of an examination shall be the same for all license applicants who take the examination at the same time.

(e) The Board may not limit the number of times an applicant may take an examination required under this subtitle.

Article - Health Occupations

§9–306.

(a) Subject to the provisions of this section, the Board may waive any examination requirement of this title for an individual who is licensed as a nursing home administrator in any other state.

(b) The Board may grant a waiver under this section only if the applicant:

(1) Is of good moral character;

(2) Pays the application fee required by the Board under § 9–303 of this subtitle; and

(3) Provides adequate evidence that:

(i) At the time the applicant was licensed in the other state, the applicant was qualified to take the examination that then was required by the laws of this State; and

(ii) The applicant qualified for a license in the other state by passing an examination given in that or any other state.

Article - Health Occupations

§9–307.

(a) In this section, “certified institution” means an institution that:

(1) Cares for and treats the sick in accordance with the teachings of any recognized church or religious denomination that teaches reliance on spiritual means through prayer alone for healing; and

(2) Is certified by that church or religious denomination to provide this care and treatment.

(b) The Board may issue a limited license that permits the licensee to practice as a nursing home administrator only in a certified institution.

(c) An applicant qualifies for a limited license only if a recognized church or religious denomination that teaches reliance on spiritual means through prayer alone for healing approves the applicant as qualified to administer certified institutions.

(d) As a qualification for a limited license, the Board may not require the applicant to demonstrate proficiency in any medical technique or to meet any medical educational qualification or other medical standard that is not in accord with the remedial care and treatment provided in a certified institution.

(e) A license certificate and license card issued under this section shall include a statement that practice as a nursing home administrator under the license is restricted to a certified institution named in the license.

Article - Health Occupations

§9–308.

(a) Subject to subsection (b) of this section, the Board shall issue a license certificate and a license card to any applicant who meets the requirements of this title.

(b) (1) On receipt of the criminal history record information of an applicant for licensure forwarded to the Board in accordance with § 9–302.1 of this subtitle, in determining whether to grant a license, the Board shall consider:

- (i) The age at which the crime was committed;
- (ii) The nature of the crime;
- (iii) The circumstances surrounding the crime;
- (iv) The length of time that has passed since the crime;
- (v) Subsequent work history;
- (vi) Employment and character references; and
- (vii) Any other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license if the criminal history record information required under § 9–302.1 of this subtitle has not been received.

Article - Health Occupations

§9–309.

The applicant may petition for judicial review of a decision of the Board that relates to issuing or renewing a license, as provided in the Administrative Procedure Act.

Article - Health Occupations

§9–310.

A license authorizes the licensee to practice as a nursing home administrator while the license is effective.

Article - Health Occupations

§9–311.

(a) A license expires on the second anniversary of its effective date, unless the license is renewed for a 2–year term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by electronic means or first–class mail to the last known electronic or physical address of the licensee, a renewal notice that states:

(1) The date on which the current license expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and

(3) The amount of the renewal fee.

(c) Before the license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:

(1) Otherwise is entitled to be licensed;

(2) Pays to the Board a renewal fee set by the Board; and

(3) Submits to the Board:

(i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education and other qualifications and requirements set under this section for license renewal.

(d) (1) In addition to any other qualifications and requirements established by the Board, the Board may set continuing education requirements as a condition to the renewal of licenses under this section.

(2) If a continuing education program relates to federal or State regulation, policy and procedures, or law, the Board, in its sole discretion, may grant a request for accreditation of the program.

(e) The Board shall renew the license of and issue a renewal card to each licensee who meets the requirements of this section.

(f) (1) Beginning October 1, 2016, the Board shall require a criminal history records check in accordance with § 9-302.1 of this subtitle for:

(i) Licensure renewal applicants; and

(ii) Each former licensee who files for reinstatement under § 9-312 of this subtitle after failing to renew the license for a period of 1 year or more.

(2) On receipt of the criminal history record information of a licensee forwarded to the Board in accordance with § 9-302.1 of this subtitle, in determining whether to grant a license, the Board shall consider:

(i) The age at which the crime was committed;

(ii) The nature of the crime;

(iii) The circumstances surrounding the crime;

(iv) The length of time that has passed since the crime;

(v) Subsequent work history;

(vi) Employment and character references; and

(vii) Any other evidence that demonstrates whether the licensee poses a threat to the public health or safety.

(3) The Board may not renew or reinstate a license if the criminal history record information required under § 9-302.1 of this subtitle has not been received.

(4) Unless otherwise required, a renewal applicant who previously has completed the criminal history records check as required for the Board's application process does not have to submit to a subsequent criminal history records check for license renewal.

Article - Health Occupations

§9–312.

(a) The Board shall reinstate the license of a nursing home administrator who has failed to renew the license for any reason, if the licensee:

- (1) Has not had the license suspended or revoked;
- (2) Meets the renewal requirements of § 9-311 of this subtitle;
- (3) Pays to the Board the reinstatement fee set by the Board;
- (4) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this title for license reinstatements; and
- (5) Applies to the Board for reinstatement of the license within 5 years after the license expires.

(b) The Board may not reinstate the license of a nursing home administrator who fails to apply for reinstatement of the license within 5 years after the license expires. However, the nursing home administrator may become licensed by meeting the current requirements for obtaining a new license under this title.

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§9–312.1.

(a) If an individual has been licensed by the Board to practice as a nursing home administrator in the State in accordance with the requirements of this subtitle, the individual may be licensed subsequently as a nursing home administrator on inactive status, retaining the licensee's original license number.

(b) (1) The Board shall place a licensee on inactive status if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) A licensee's inactive status expires on the second anniversary of its effective date, unless the licensee renews the inactive status for a 2–year term as provided in this section.

(3) The Board shall provide a licensee who has complied with the requirements of paragraph (1) of this subsection with written notification of:

(i) The date that the licensee's inactive status becomes effective;

(ii) The date that the licensee's 2–year term of inactive status expires; and

(iii) The consequences of:

1. Not renewing inactive status before expiration of the 2–year term of inactive status; and

2. Not resuming active status within the 5–year period of inactive status, beginning on the first day of inactive status.

(c) A licensee on inactive status may not practice as a nursing home administrator in the State.

(d) The Board shall issue a license to a licensee who is on inactive status if the licensee:

(1) Completes an application form for reactivation of a license before expiration of the 2-year term of inactive status on the form required by the Board;

(2) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;

(3) Meets the continuing education requirements set by the Board;

(4) Has not practiced as a nursing home administrator in the State while on inactive status;

(5) Pays all appropriate fees set by the Board;

(6) Has been on inactive status for less than 5 years; and

(7) Is otherwise entitled to be licensed.

(e) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:

(1) Submit a new application;

(2) Pay all appropriate fees set by the Board;

(3) Complete a Board approved 1-month administrator refresher program;

(4) Pass the State's standards examination; and

(5) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with § 9-302.1 of this subtitle.

(f) A nursing home administrator whose inactive license expires before the nursing home administrator returns to active licensure shall meet the reinstatement requirements of § 9-312 of this subtitle.

Article - Health Occupations

§9–313.

(a) Unless the Board agrees to accept the surrender of a license, a licensed nursing home administrator may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the nursing home administrator.

(b) The Board may set conditions on its agreement with the nursing home administrator under investigation or against whom charges are pending to accept surrender of the nursing home administrator's license.

Article - Health Occupations

§9–314.

(a) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges that a licensee has failed to meet any standard of the Board.

(b) Subject to the hearing provisions of § 9–315 of this subtitle, the Board may deny a license or limited license to any applicant, reprimand any licensee or holder of a limited license, place any licensee or holder of a limited license on probation, suspend or revoke a license or limited license, or impose a civil fine if the applicant, holder, or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the licensee or for another;

(2) Fraudulently or deceptively uses a license;

(3) Otherwise fails to meet substantially the standards of practice adopted by the Board under § 9–205 of this title;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(6) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(7) Practices nursing home administration with an unauthorized person or supervises or aids an unauthorized person in the practice of nursing home administration;

(8) Willfully makes or files a false report or record in the practice of nursing home administration;

(9) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(10) Submits a false statement to collect a fee;

(11) Commits an act of unprofessional conduct in the licensee's practice as a nursing home administrator;

(12) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; or

(13) Fails to submit to a criminal history records check in accordance with § 9-302.1 of this subtitle.

Article - Health Occupations

§9–314.1.

(a) (1) If, after a hearing under § 9-315 of this subtitle, the Board finds that there are grounds under § 9-314 of this subtitle to reprimand a licensee, place a licensee on probation, or suspend or revoke a license, the Board may impose a civil fine:

- (i) Instead of suspending or revoking the license; or
- (ii) In addition to placing the licensee on probation or suspending or revoking the license.

(2) A civil fine imposed under this subsection may not exceed:

- (i) \$1,000 for a first violation; and
- (ii) \$5,000 for any subsequent violation of the same provision.

(b) If, after disciplinary procedures have been brought against a licensee, the licensee waives the right to a hearing required under this subtitle and if the Board finds that there are grounds under § 9-314 of this subtitle to reprimand the licensee, place the licensee on probation, or suspend or revoke a license, the Board, in addition to reprimanding the licensee, placing the licensee on probation, or suspending or revoking the license, may impose:

- (1) A civil fine not exceeding \$1,000 for a first violation; and
- (2) A civil fine not exceeding \$5,000 for any subsequent violation of the same provision.

(c) The Board shall pay any civil fine collected under this section into the General Fund of the State.

Article - Health Occupations

§9–314.2.

(a) In this section, “nursing home management firm” means an organization that:

(1) Is intended to have or has full responsibility and control for the day-to-day operations of a nursing home; and

(2) Is under contract with:

(i) An applicant for a license from the Secretary to establish, operate, or continue the operation of an existing nursing facility; or

(ii) A holder of a license from the Secretary to operate a nursing facility.

(b) (1) Except as provided in paragraph (2) of this subsection, a nursing home or a nursing home management firm may not knowingly employ or retain as a consultant an individual who, for an activity described in § 9–314(b)(8), (9), or (10) of this subtitle, has surrendered a license under § 9–313 of this subtitle or has had a license revoked under § 9–314 of this subtitle.

(2) A nursing home or nursing home management firm may hire or retain as a consultant an individual who surrendered a license or had a license revoked under this subtitle, but had the license restored by the Board, and who is now a licensee in good standing under the provisions of this title.

Article - Health Occupations

§9–315.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 9-314 of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this title and any hearings or proceedings before it.

(d) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person as for contempt of court.

(e) If after due notice the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Board may hear and determine the matter.

Article - Health Occupations

§9–316.

(a) Except as provided in this section for an action under § 9–314 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may petition for judicial review as allowed by the Administrative Procedure Act.

(b) Any person aggrieved by a final decision of the Board under § 9–314 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act.

(c) An order of the Board may not be stayed pending judicial review.

Article - Health Occupations

§9–316.1.

(a) The Board may issue a cease and desist order for practicing nursing home administration without a license or with an unauthorized person or for supervising or aiding an unauthorized person in the practice of nursing home administration.

(b) (1) An action for aiding and abetting may be maintained in the name of the State or the Board to enjoin:

(i) The unauthorized practice of nursing home administration; or

(ii) Conduct that is a ground for disciplinary action under § 9-314 of this subtitle.

(2) An action under this section may be brought by:

(i) The Board, in its own name;

(ii) The Attorney General, in the name of the State; or

(iii) A State's Attorney, in the name of the State.

(3) An action under this section shall be brought in the county where the defendant resides or engages in the acts sought to be enjoined.

(4) Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.

(5) An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of nursing home administration under § 9-401 of this title or disciplinary action under § 9-314 of this subtitle.

Article - Health Occupations

Subtitle 3A - Assisted Living Managers

§9–3A–01.

(a) Except as otherwise provided in this subtitle, beginning July 1, 2026, an individual must be licensed by the Board before the individual may practice as an assisted living manager in the State.

(b) (1) If a licensed assisted living manager leaves or is removed from a position as an assisted living manager by death or for any other unexpected cause, the owner of the assisted living program or other appropriate designee shall immediately:

(i) 1. Designate a licensed assisted living manager to serve in that capacity; and

2. Notify the Board of the designated licensed assisted living manager's name; or

(ii) Appoint an alternate assisted living manager or a nonlicensed individual to serve in the capacity of interim assisted living manager.

(2) (i) The appointed alternate assisted living manager or nonlicensed individual may act as the interim assisted living manager on filing an application with the Board requesting a provisional license to practice as the interim assisted living manager for a period not to exceed 90 days.

(ii) 1. The owner or other appropriate designee shall immediately notify the Board of the appointment and forward the credentials of the individual appointed to the Board for evaluation to ensure that the individual appointed is experienced, trained, and competent.

2. The Board may issue a provisional license to the applicant if the Board determines, in its discretion, that the applicant is of good moral character and capable of adequately administering the assisted living program for the provisional period.

3. If the Board denies an application submitted in accordance with subparagraph (i) of this paragraph:

A. The nonlicensed individual shall immediately cease acting as the interim assisted living manager; and

B. If a licensed assisted living manager remains unavailable, the owner or other appropriate designee shall immediately appoint another nonlicensed individual to act as the interim assisted living manager.

4. An individual appointed under subsubparagraph 3 of this subparagraph shall file an application for a provisional license with the Board in accordance with this paragraph.

(iii) The provisional period begins on the date that the licensed assisted living manager leaves or is removed from the position as an assisted living manager.

(iv) The Board, on request and for good cause shown, may extend the initial provisional period for a further period of not more than 30 days.

(3) Except as provided in paragraph (6) of this subsection, a licensed assisted living manager designated under paragraph (1)(i) of this subsection shall submit to a criminal history records check in accordance with § 9–302.1 of this title.

(4) Except as provided in paragraph (6) of this subsection, an individual appointed in accordance with paragraph (1)(ii) of this subsection shall submit to a criminal history records check in accordance with § 9–302.1 of this title.

(5) The Board may deny approval of an appointment under paragraph (2) of this subsection based on the results of a criminal history records check required under paragraph (3) or (4) of this subsection after consideration of the factors listed in § 9–3A–05(b)(1) of this subtitle.

(6) Paragraphs (3) and (4) of this subsection do not apply to an individual licensed, certified, or registered by a health occupations board who previously has completed a criminal history records check required for licensure, certification, or registration.

Article - Health Occupations

§9–3A–02.

- (a) To qualify for a license, an applicant must:
 - (1) Be an individual who meets the requirements of this section;
 - (2) Be of good moral character;
 - (3) Be at least 21 years old;
 - (4) Meet the education requirements under COMAR 10.07.14; and

(5) (i) Complete an assisted living manager training course required under § 19–1807 of the Health – General Article and under COMAR 10.07.14, including the successful passing of the course examination; or

(ii) Be exempt from the training course requirement under § 19–1807(d) of the Health – General Article.

(b) Individuals who have been employed in the State as an assisted living manager and have worked at an assisted living program that is licensed for five or more beds as of June 30, 2024, are deemed to have satisfied the requirements of this section.

Article - Health Occupations

§9–3A–03.

To apply for a license, an applicant shall:

- (1) Submit an application to the Board on the form that the Board requires;
- (2) Pay to the Board the application fee set by the Board; and
- (3) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with § 9–302.1 of this title.

Article - Health Occupations

§9–3A–04.

(a) The Board shall keep a file of each application for a license made under this subtitle.

(b) The file shall contain:

(1) The name, address, and age of the applicant;

(2) The name and address of the employer or business connection of the applicant;

(3) The date of the application;

(4) Complete and current information on the educational, training, and experience qualifications of the applicant;

(5) The date the Board reviewed and acted on the application;

(6) The action taken by the Board on the application;

(7) The identifying numbers of any license or renewal license issued to the applicant; and

(8) Any other information that the Board considers necessary.

(c) The application files shall be open to public inspection.

Article - Health Occupations

§9–3A–05.

(a) Subject to subsection (b) of this section, the Board shall issue a license to any applicant who meets the requirements of this subtitle.

(b) (1) On receipt of the criminal history record information of an applicant for licensure forwarded to the Board in accordance with § 9–302.1 of this title, in determining whether to grant a license, the Board shall consider:

- (i) The age at which the crime was committed;
- (ii) The nature of the crime;
- (iii) The circumstances surrounding the crime;
- (iv) The length of time that has passed since the crime;
- (v) Subsequent work history;
- (vi) Employment and character references; and
- (vii) Any other evidence that demonstrates whether the applicant poses a threat to the public health or safety.

(2) The Board may not issue a license if the criminal history record information required under § 9–302.1 of this title has not been received.

Article - Health Occupations

§9–3A–06.

The applicant may appeal a decision of the Board that relates to issuing or renewing a license as provided for in § 9–3A–15 of this subtitle.

Article - Health Occupations

§9–3A–07.

A license authorizes the licensee to practice as an assisted living manager while the license is in effect.

Article - Health Occupations

§9–3A–08.

(a) A license expires on the second anniversary of its effective date, unless the license is renewed for a 2–year term as provided in this section.

(b) At least 1 month before the license expires, the Board shall send to the licensee, by electronic means or first–class mail to the last known electronic or physical address of the licensee, a renewal notice that states:

- (1) The date on which the current license expires;
- (2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license expires; and
- (3) The amount of the renewal fee.

(c) Before the license expires, the licensee periodically may renew it for an additional 2–year term, if the licensee:

- (1) Otherwise is entitled to be licensed;
- (2) Pays to the Board a renewal fee set by the Board; and
- (3) Submits to the Board:
 - (i) A renewal application on the form that the Board requires; and

(ii) Satisfactory evidence of compliance with any continuing education requirements under § 19–1807 of the Health – General Article.

(d) The Board shall renew the license of each licensee who meets the requirements of this section.

(e) (1) The Board shall require a criminal history records check in accordance with § 9–302.1 of this title for:

- (i) Licensure renewal applicants; and

(ii) Each former licensee who files for reinstatement under § 9–3A–09 of this subtitle after failing to renew the license for a period of 1 year or more.

(2) On receipt of the criminal history record information of a licensee forwarded to the Board in accordance with § 9–302.1 of this title, in determining whether to grant a license, the Board shall consider:

- (i) The age at which the crime was committed;
- (ii) The nature of the crime;
- (iii) The circumstances surrounding the crime;
- (iv) The length of time that has passed since the crime;
- (v) Subsequent work history;
- (vi) Employment and character references; and
- (vii) Any other evidence that demonstrates whether the licensee poses a threat to the public health or safety.

(3) The Board may not renew or reinstate a license if the criminal history record information required under § 9–302.1 of this title has not been received.

(4) Unless otherwise required, a renewal applicant who previously has completed the criminal history records check as required for the Board's application process does not have to submit to a subsequent criminal history records check for license renewal.

Article - Health Occupations

§9–3A–09.

(a) The Board shall reinstate the license of an assisted living manager who has failed to renew a license for any reason, if the licensee:

- (1) Has not had the license suspended or revoked;
- (2) Meets the renewal requirements of § 9–3A–08 of this subtitle;
- (3) Pays to the Board the reinstatement fee set by the Board;
- (4) Submits to the Board satisfactory evidence of compliance with the qualifications and requirements established under this subtitle for license reinstatements; and
- (5) Applies to the Board for reinstatement of the license within 5 years after the license expires.

(b) The Board may not reinstate the license of an assisted living manager who fails to apply for reinstatement of the license within 5 years after the license expires, unless the assisted living manager becomes licensed by meeting the requirements for obtaining a new license under this subtitle in effect at the time the licensee seeks to reinstate the license.

Article - Health Occupations

§9–3A–10.

(a) If an individual has been licensed by the Board to practice as an assisted living manager in the State in accordance with the requirements of this subtitle, the individual may be licensed subsequently as an assisted living manager on inactive status, retaining the licensee's original license number.

(b) (1) The Board shall place a licensee on inactive status if the licensee submits to the Board:

(i) An application for inactive status on the form required by the Board; and

(ii) The inactive status fee set by the Board.

(2) A licensee's inactive status expires on the second anniversary of its effective date, unless the licensee renews the inactive status for a 2–year term as provided in this section.

(3) The Board shall provide a licensee who has complied with the requirements of paragraph (1) of this subsection with written notification of:

(i) The date that the licensee's inactive status becomes effective;

(ii) The date that the licensee's 2–year term of inactive status expires; and

(iii) The consequences of:

1. Not renewing inactive status before expiration of the 2–year term of inactive status; and

2. Not resuming active status within the 5–year period of inactive status, beginning on the first day of inactive status.

(c) A licensee on inactive status may not practice as an assisted living manager in the State.

(d) The Board shall reactivate the license of a licensee who is on inactive status if the licensee:

(1) Completes an application form for reactivation of the license before expiration of the 2-year term of inactive status on the form required by the Board;

(2) Complies with the renewal requirements in effect at the time the licensee seeks to reactivate the license;

(3) Meets the continuing education requirements set by the Board;

(4) Has not practiced as an assisted living manager in the State while on inactive status;

(5) Pays all appropriate fees set by the Board;

(6) Has been on inactive status for less than 5 years; and

(7) Is otherwise entitled to be licensed.

(e) Before the Board may reactivate the license of an individual who has been on inactive status for 5 years or more, the individual shall:

(1) Submit a new application;

(2) Pay all appropriate fees set by the Board;

(3) Complete a Board-approved manager refresher program;

(4) Pass an examination approved by the Board; and

(5) Submit satisfactory evidence of having completed a State and national criminal history records check in accordance with § 9-302.1 of this title.

(f) An assisted living manager whose inactive status expires before the assisted living manager's license is reactivated shall meet the reinstatement requirements of § 9-3A-09 of this subtitle.

Article - Health Occupations

§9–3A–11.

(a) Unless the Board agrees to accept the surrender of a license, a licensed assisted living manager may not surrender the license nor may the license lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.

(b) The Board may set conditions on its agreement with the assisted living manager under investigation or against whom charges are pending to accept surrender of the license.

Article - Health Occupations

§9–3A–12.

(a) The Board shall investigate and take appropriate action as to any complaint filed with the Board that alleges that a licensee has failed to meet any standard of the Board.

(b) Subject to the hearing provisions of § 9–3A–14 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, suspend or revoke a license, or impose a civil fine if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant, the licensee, or for another individual;

(2) Fraudulently or deceptively uses a license;

(3) Fails to meet the standards of practice for assisted living adopted by the Board under § 9–205 of this title;

(4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(5) Provides professional services while:

(i) Under the influence of alcohol; or

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5–101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(6) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(7) Practices assisted living management with an unauthorized individual or supervises or aids an unauthorized individual in the practice of assisted living management;

(8) Willfully makes or files a false report or record in the practice of assisted living management;

(9) Willfully fails to file or record any report as required under law, willfully impedes or obstructs the filing or recording of the report, or induces another to fail to file or record the report;

(10) Submits a false statement to collect a fee;

(11) Commits an act of unprofessional conduct in the licensee's practice as an assisted living manager;

(12) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive;

(13) Fails to cooperate with a lawful investigation conducted by the Board;

(14) Fails to oversee, manage, or administer an assisted living program to the extent that the safety, health, or life of any resident has been endangered;

(15) Endangers or sanctions the endangerment of the safety, health, or life of any resident;

(16) Violates any of the provisions of law or regulations governing assisted living programs in the State; or

(17) Fails to submit to a criminal history records check in accordance with § 9-302.1 of this title.

Article - Health Occupations

§9–3A–13.

(a) (1) If, after a hearing under § 9–3A–14 of this subtitle, the Board finds that there are grounds under § 9–3A–12 of this subtitle to reprimand a licensee, place a licensee on probation, or suspend or revoke a license, the Board may impose a civil fine:

- (i) Instead of suspending or revoking the license; or
- (ii) In addition to a reprimand, placing the licensee on probation, or suspending or revoking the license.

(2) A civil fine imposed under this subsection may not exceed:

- (i) \$1,000 for a first violation; and
- (ii) \$5,000 for any subsequent violation of the same provision.

(b) If, after disciplinary procedures have been brought against a licensee, the licensee waives the right to a hearing required under this subtitle and if the Board finds that there are grounds under § 9–3A–12 of this subtitle to reprimand the licensee, place the licensee on probation, or suspend or revoke a license, the Board, in addition to reprimanding the licensee, placing the licensee on probation, or suspending or revoking the license, may impose:

- (1) A civil fine not exceeding \$1,000 for a first violation; and
- (2) A civil fine not exceeding \$5,000 for any subsequent violation of the same provision.

(c) The Board shall pay any civil fine collected under this section into the General Fund of the State.

Article - Health Occupations

§9–3A–14.

(a) Except as otherwise provided in the Administrative Procedure Act, before the Board takes any action under § 9–3A–12(b) of this subtitle, it shall give the individual against whom the action is contemplated an opportunity for a hearing before the Board.

(b) The Board shall give notice and hold the hearing in accordance with the Administrative Procedure Act.

(c) Over the signature of an officer or the executive director of the Board, the Board may issue subpoenas and administer oaths in connection with any investigation under this subtitle and any hearings or proceedings before it.

(d) If, without lawful excuse, a person disobeys a subpoena from the Board or an order by the Board to take an oath or to testify or answer a question, then, on petition of the Board, a court of competent jurisdiction may punish the person for contempt of court.

(e) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear for a hearing, the Board may hear and determine the matter.

Article - Health Occupations

§9–3A–15.

(a) Except as provided in this section for an action under § 9–3A–12 of this subtitle, any person aggrieved by a final decision of the Board in a contested case, as defined in the Administrative Procedure Act, may petition for judicial review as allowed by the Administrative Procedure Act.

(b) Any person aggrieved by a final decision of the Board under § 9–3A–12 of this subtitle may not appeal to the Secretary but may take a direct judicial appeal as provided in the Administrative Procedure Act.

(c) An order of the Board may not be stayed pending judicial review.

Article - Health Occupations

§9–3A–16.

(a) Except as provided in subsections (b) and (c) of this section, an individual whose license has been revoked or surrendered under this subtitle may apply for reinstatement in accordance with the terms and conditions of the revocation order or surrender.

(b) If an individual applies for reinstatement under subsection (a) of this section, the Board may:

(1) Reinstate the license;

(2) Reinstate the license with terms and conditions the Board determines are appropriate and necessary; or

(3) Deny reinstatement.

(c) If the Board denies an application for reinstatement, the Board may:

(1) Set a date before which the applicant may not reapply; or

(2) Permanently prohibit reapplication.

(d) An individual whose license has been revoked or surrendered under this subtitle and who seeks reinstatement shall meet the continuing education requirements established for the renewal of licenses as if the individual were licensed during the period of revocation or surrender.

Article - Health Occupations

§9–3A–17.

(a) The Board may issue a cease and desist order for practicing as an assisted living manager without a license or with an unauthorized individual or for supervising or aiding an unauthorized individual in the practice of assisted living management.

(b) (1) An action for aiding and abetting may be maintained in the name of the State or the Board to enjoin:

(i) The unauthorized practice of assisted living management; or

(ii) Conduct that is a ground for disciplinary action under § 9–3A–12 of this subtitle.

(2) An action under this section may be brought by:

(i) The Board, in its own name;

(ii) The Attorney General, in the name of the State; or

(iii) A State's Attorney, in the name of the State.

(3) An action under this section shall be brought in the county where the defendant resides or engages in the acts sought to be enjoined.

(4) Proof of actual damage or that any person will sustain any damage if an injunction is not granted is not required for an action under this section.

(5) An action under this section is in addition to and not instead of criminal prosecution for the unauthorized practice of assisted living management under § 9–401 of this title or disciplinary action under § 9–3A–12 of this subtitle.

Article - Health Occupations

§9–3A–18.

An individual whose license has been revoked or surrendered under this subtitle may not work for, be employed by, or perform services for an assisted living program or nursing home in the State unless the individual's license is reinstated under § 9–3A–16 of this subtitle.

Article - Health Occupations

Subtitle 4 - Prohibited; Penalties

§9–401.

(a) Except as otherwise provided in this title, an individual may not:

(1) Practice, attempt to practice, or offer to practice as a nursing home administrator in this State unless licensed by the Board;

(2) Supervise, direct, induce, or aid an unlicensed individual to practice as a nursing home administrator;

(3) Practice, attempt to practice, or offer to practice as an assisted living manager in this State unless licensed by the Board; or

(4) Supervise, direct, induce, or aid an unlicensed individual to practice as an assisted living manager.

(b) (1) This subsection may not be construed to prohibit the Board from taking any other action authorized under this title against a licensee, an applicant, or another individual.

(2) (i) Subject to paragraph (3) of this subsection, the Board may impose a civil penalty not exceeding \$10,000 for a violation of this section.

(ii) The Board shall pay any fine collected under this paragraph into the General Fund of the State.

(3) If the Board finds a violation of subsection (a)(3) of this section on or before June 30, 2027, the Board shall provide the individual with written notice and a 60–day period to comply with the licensure requirement before imposing the fine.

Article - Health Occupations

§9–402.

(a) (1) Unless authorized to practice as a nursing home administrator under Subtitle 3 of this title, an individual may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is authorized to practice as a nursing home administrator in this State.

(2) Unless authorized to practice under Subtitle 3 of this title, an individual may not use the title “nursing home administrator”, or the abbreviation “N.H.A.” or any other designation, title, or abbreviation with the intent to represent that the individual is authorized to practice as a nursing home administrator.

(b) (1) Unless authorized to practice as an assisted living manager under Subtitle 3A of this title, an individual may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is authorized to practice as an assisted living manager in this State.

(2) Unless authorized to practice under Subtitle 3A of this title, an individual may not use the title “assisted living manager”, or any other designation, title, or abbreviation with the intent to represent that the individual is authorized to practice as an assisted living manager.

Article - Health Occupations

§9–403.

A person may not:

(1) Sell or fraudulently obtain or furnish or aid in selling or fraudulently obtaining or furnishing a license issued under Subtitle 3 of this title;

(2) Practice as a nursing home administrator under any license unlawfully or fraudulently obtained or unlawfully issued;

(3) Sell or fraudulently obtain or furnish or aid in selling or fraudulently obtaining or furnishing a license issued under Subtitle 3A of this title; or

(4) Practice as an assisted living manager under any license unlawfully or fraudulently obtained or unlawfully issued.

Article - Health Occupations

§9-404.

Except when a nursing home administrator is removed from the position by death or for any other unexpected cause as provided in § 9-301 of this title, a nursing home may not be operated unless it is under the supervision of a licensed nursing home administrator.

Article - Health Occupations

§9–405.

The Board may take disciplinary action against an individual whose license has expired or been surrendered in the same manner that the Board is authorized to take disciplinary action against a licensee under this title, if the Board initiated an investigation of the individual or issued charges against the individual while the individual was licensed.

Article - Health Occupations

§9–407.

(a) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to:

(1) A fine not exceeding \$1,000 for a first offense; and

(2) A fine not exceeding \$5,000 or imprisonment not exceeding 6 months or both for any subsequent violation of the same provision.

(b) The Board shall pay any fine collected under this section into the General Fund of the State.

Article - Health Occupations

Subtitle 5 - Short Title; Termination of Title

§9–501.

This title may be cited as the Maryland Long–Term Care Administrators Act.