

CHAPTER 1679

ADULT DAY CARE PROGRAM

§8601. Definition

As used in this subtitle, the term "adult day care program" means a program of care, activities and protection maintained or carried out on a regular basis by a person or combination of persons in a private dwelling or other facility, for consideration, for any part of a day for 3 or more adults, 19 years of age or older, who are not blood relatives and are coming to the facility for the express purpose of participating in this program. [PL 1987, c. 389, §5 (NEW).]

The term does not include: [PL 1987, c. 389, §5 (NEW).]

1. Adult program. Any program for adults provided by a licensed residential facility; or [PL 1987, c. 389, §5 (NEW).]

2. Any day activity program. Any day activity program licensed by the department. [PL 1989, c. 502, Pt. A, §87 (AMD); PL 1995, c. 560, Pt. K, §82 (AMD); PL 1995, c. 560, Pt. K, §83 (AFF); PL 2001, c. 354, §3 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1987, c. 389, §5 (NEW). PL 1989, c. 502, §A87 (AMD). PL 1995, c. 560, §K82 (AMD). PL 1995, c. 560, §K83 (AFF). PL 2001, c. 354, §3 (AMD). PL 2003, c. 689, §B6 (REV).

§8602. Rules

The Department of Health and Human Services, in consultation with adult day care providers, shall adopt rules for adult day care programs that include, but are not limited to, rules pertaining to the health and safety of the adult clients and staff, the quality of the program provided, the administration of medication and licensing procedures. [PL 2023, c. 405, Pt. A, §81 (AMD).]

Different standards may be developed for different types of adult day care programs with differences based on number of participants or other factors affecting programming. [PL 1987, c. 389, §5 (NEW).]

SECTION HISTORY

PL 1987, c. 389, §5 (NEW). PL 2003, c. 689, §B6 (REV). PL 2023, c. 405, Pt. A, §81 (AMD).

§8603. License

Beginning on July 1, 1988, no person or combination of persons may operate an adult day care program in this State without having obtained a license to operate an adult day care program from the Department of Health and Human Services. [PL 1987, c. 389, §5 (NEW); PL 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

PL 1987, c. 389, §5 (NEW). PL 2003, c. 689, §B6 (REV).

§8604. Fee for license

The department shall charge a reasonable fee for a license. There may be differential fees charged to programs based on numbers of participants, type of license or other considerations. [PL 1987, c. 389, §5 (NEW).]

SECTION HISTORY

PL 1987, c. 389, §5 (NEW).

§8605. Fire safety

1. Inspection required. A license may not be issued by the department for an adult day care program until the department has received from the Commissioner of Public Safety a written statement signed by one of the officials designated under Title 25, section 2360, 2391 or 2392 to make fire safety inspections. This statement must indicate that a facility has complied with the applicable fire safety provisions referred to in subsection 2 and Title 25, section 2452 and must be furnished to the department prior to the issuance of full licensure.

[PL 2021, c. 398, Pt. QQ, §1 (AMD).]

2. Life Safety Code. The written statement must be furnished to the department prior to the issuance of full licensure and must indicate that the adult day care program has complied with at least the requirements of the Life Safety Code of the National Fire Protection Association that are specified in:

A. The family day care homes section, if the adult day care program has no more than 6 adults per session; [PL 1987, c. 389, §5 (NEW).]

B. The group day care homes section, if the adult day care program has at least 7 but no more than 12 adults per session; or [PL 1987, c. 389, §5 (NEW).]

C. The child day care section, if the adult day care program has more than 13 adults per session. [PL 1987, c. 389, §5 (NEW).]

[PL 2021, c. 398, Pt. QQ, §1 (AMD).]

3. Fees. The department shall establish and pay reasonable fees to the Department of Public Safety or municipal official for each such inspection. Fees collected by the Department of Public Safety must be deposited into a special revenue account to defray expenses in carrying out this section. Any balance of fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years.

[PL 1997, c. 728, §15 (AMD).]

SECTION HISTORY

PL 1987, c. 389, §5 (NEW). PL 1997, c. 728, §15 (AMD). PL 2021, c. 398, Pt. QQ, §1 (AMD).

§8606. Prohibited employment based on disqualifying offenses

1. Prohibited employment based on disqualifying offenses. An adult day care program shall conduct a comprehensive background check for direct access personnel, as defined in section 1717, subsection 1, paragraph A-2, in accordance with state law and rules adopted by the department and is subject to the employment restrictions set out in section 1812-G and other applicable federal and state laws when hiring, employing or placing direct access personnel, including, but not limited to, a certified nursing assistant or a direct care worker.

A. [PL 2015, c. 196, §15 (RP); PL 2015, c. 299, §23 (RP).]

B. [PL 2015, c. 196, §15 (RP); PL 2015, c. 299, §23 (RP).]

C. [PL 2015, c. 196, §15 (RP); PL 2015, c. 299, §23 (RP).]

The department may adopt rules necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2015, c. 196, §15 (AMD); PL 2015, c. 299, §23 (RPR).]

SECTION HISTORY

PL 2003, c. 634, §10 (NEW). PL 2011, c. 257, §18 (AMD). PL 2015, c. 196, §15 (AMD). PL 2015, c. 299, §23 (RPR).

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