

The Elder Law Extra

Nomiki Weitzel , *Chair*

Elena S. Boisvert, *Editor*

Message from the Chair...

Even though we are only half way through 2010, it already has been a momentous year. Congress has enacted landmark legislation reforming health care. This law includes reforms of long-term care as well as acute health care. It offers incentives for states to offer more home and community-based services, and requires spousal impoverishment rules to apply to waiver programs (although only for the five years from 2014 through 2018). The health care law also includes the CLASS Act, a long-term care insurance style program. The law will allow persons to pay monthly premiums in exchange for a modest amount of long-term care coverage. The program is structured to be voluntary, and no tax dollars are permitted to underwrite the program. It is much too early to know whether this program will be a success.

On the state level, the General Assembly finally enacted a power of attorney law. Hopefully, the legislation will provide an agent with greater certainty that third parties will accept the document

without increasing the risk of abuse. The legislature also enacted the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, which will lessen the use of “granny napping” in order to exploit different state guardianship laws.

The Elder Law Section also made some changes. Many elder law attorneys have expanded their practices to include special needs and disability law. The section has expanded the number of section council members and created a committee to address the interests of these practitioners.

On a personal note, as I step down as the Chair of the section, I want to thank all of you who worked very hard to make this year a success. I am very proud to have served the section and wish you all the best.



Morris Klein
Chair 2009-2010

Visit www.msba.org/sec_comm/sections/elder/ for all the latest updates!

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Continuing Care Retirement Community Contracts – 102

By Jeffrey Myers

(This is the second of a two-part series. The first part was published in Spring, 2009 and is available on the MSBA Elder Law Section website).

There are many different kinds of retirement communities. A continuing care retirement community is just one. Although Maryland's legal definition of "continuing care" is complex, in general, a continuing care retirement community exists when all three of the following are present:

- 1) The consumer pays an entrance fee that is, at a minimum, three times the average monthly fee;
- 2) The provider furnishes or makes available shelter and health-related services to persons 60 years of age or older; and
- 3) The shelter and services are offered under a contract that lasts for a period of more than one year, usually for life.

See Human Services Article § 10-401.

In last spring's newsletter, we discussed the three major types of continuing care retirement community contracts. In this article we discuss a topic that is promoted by marketers and is a major interest of consumers: entrance fee refunds.

To What Extent Is the Entrance Fee Refundable?

I. Before Occupancy:

Under Maryland law a resident may terminate for any reason before occupancy. I § 10-446(a). The law also requires that an entrance fee be refunded, if the agreement is terminated before the date of occupancy. I § 10-446(b) and (c).

II. After Occupancy:

After occupancy a resident can terminate an agreement for any reason by providing written notice in accordance with the agreement. I § 10-449(a). However, after occupancy a provider may only terminate a resident's agreement if the provider has "just cause." Just cause is defined in COMAR 32.02.01.31B(2) as: "(a) nonpayment; (b) material breach of: (i) the agreement, or (ii) written reasonable rules of the

provider that contractually bind the subscriber; or (c) health status or behavior that constitutes a substantial threat to the health or safety of the subscriber or other subscribers.

A. Statutory Rights:

If a provider terminates an agreement for just cause, it is required to refund the prorated portion of the entrance fee that equals the total entrance fee divided by the resident's years of expected life at admission multiplied by the resident's years of expected life at discharge or dismissal. I § 10-448. This legally mandated refund is called the statutory refund to distinguish it from contractually agreed upon refunds discussed below. The statutory refund amount is usually a significant portion of the entrance fee and can be larger than any contractual refund.

B. Contractual Rights:

While a resident may terminate a continuing care agreement for any reason, if the resident terminates the agreement after the occupancy date, providers are not required by law to make any refund of the entrance fee. However, almost all continuing care agreements provide for some type of refund, at least for some period of time, where the resident terminates the agreement after occupancy. These kinds of refunds are called contractual refunds.

Although particular agreements may contain variations, contractual refunds are usually calculated on a percentage basis or declining balance basis. The percentage basis is the easiest to understand. A typical agreement providing a percentage basis will say that the resident receives a refund of x % of the entrance fee upon termination by the resident, even if the termination results from the resident's death. Different communities provide different percentages; some as low as 30%, others as high as 100%.

A continuing care agreement that provides a declining balance contractual refund generally starts out as a 100% refund that declines over time to zero percent. For example, a

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Guardianship: Limitations and Alternatives

By Angela B. Grau

An all too familiar call from a prospective client: A family member with a history of mental health issues has become non-compliant (yet, again) with their medications. Their loved one has already gone through an involuntary commitment, or possibly even several, so that process is no longer a realistic option. The family finds their way to me hoping to be appointed guardian, so that they may be empowered to commit their family member for the treatment they so desperately need but will not obtain voluntarily.

Unfortunately, this begins a conversation I hate to have; that obtaining a guardianship will not give them what they are looking for. Maryland's statutory scheme governing surrogate medical decision making, either in the context of a guardian or other non-guardian surrogate, prevents the use of a guardianship as an alternative to the involuntary commitment process.

Courts are required by statute to grant the guardian of the person "only those powers necessary to provide for the demonstrated need of the disabled person." *Md. Estates & Trusts Code Ann. §13-708(a)(1)*. Includable among the powers that a court **may** grant to a guardian is the power to give necessary consent or approval for medical or other professional care, counsel, treatment, or service, including admission to a hospital or nursing home or transfer from one medical facility to another, or for the withholding or withdrawing of such care, counsel, treatment, or service [*E&T § 13-708(b)(8)*] and to establish a disabled person's place of residence within and without the State [*E&T § 13-708(b)(2)*]. However, written as an express exception to the guardian's authority to decide on the disabled person's place of abode, the law states "no one may be committed to a mental facility without an involuntary commitment proceeding as provided by law." *E & T § 13-708(b)(2)*. In this context, the General Assembly's intent has been interpreted to ensure that guardianships are not used to circumvent the involuntary commitment process. *91 Op. Md. Att'y Gen. 3, 9 (2006)*.

Guardians are similarly restricted under Maryland's Health Care Decisions Act (HCDA). A guardian of the person is a surrogate decision maker with highest priority. *Md. Health-Gen Code Ann. § 5-605(a)(2)(i)*. Thus, unless there is a conflicting provision in guardianship law, the provisions of the HCDA that are generally applicable to all surrogates apply to a guardian. *78 Op. Md. Att'y Gen. 208, 216-218 (1993)*.

A surrogate is expressly prohibited from authorizing treatment for a mental disorder. *HCDA §5-605(d)(2)*. The Attorney General's Office has described the "central purpose" of this restriction as "preventing the surrogate decision-making process from becoming a means of circumventing the procedures for involuntary admissions to mental health facilities contained in Title 10 of the Health-General Article, the Mental Hygiene Law." *Advice Letter from Jack Schwartz to Howard Sollins, Esq. (July 8, 2004)*; www.oag.state.md.us/healthpol.

The answer may be an advance directive. The restrictions placed upon guardians and other surrogates do not apply to a health care agent, unless they are specifically stated in the advance directive. Maryland's Attorney General has concluded that a health care agent, granted broad authority to make health care decisions, may consent to a patient's voluntary admission to an in-patient mental health facility. *91 Op. Md. Att'y Gen. 3 (2006)*. Similarly, under the same reasoning, a broadly-worded advance directive would permit a health care agent to authorize other mental health treatments, including the administration of psychotropic medications and electroconvulsive therapy.

This delegation of authority can be accomplished by way of a general advance directive or a more specialized mental health power of attorney. If there is a history of mental illness, a mental health directive may be preferable. Unlike the principal in a typical advance directive, who is making decisions based upon a theoretical future illness or incapacity, a person with a history of mental illness is likely to have more experience with specific medications and treatments. Thus, an advance directive for mental health care would provide them the chance to have a real say in their mental health care decisions when they may not be able to clearly express their preferences. This could include consent or refusal to medications for mental illness and other health care decisions, including use of seclusion and restraints. This form can also be relied upon by health care providers, or even a court, if necessary, as a demonstration of a patient's intent with respect to their mental health care treatment. Maryland's Mental Hygiene Administration has developed a form Advance Directive for Mental Health Treatment which can be found at www.dhmm.maryland.gov/mha/forms.

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Continuing Care..

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declining balance refund might decline 20% per year. If so, a resident would only receive an 80% entrance fee refund if the resident terminated the agreement at the end of one year; 60% at the end of two years; 40% at the end of three years, and so on until the refund amount would be zero percent after the end of year five.

All other things being equal, a percentage basis contractual refund agreement will generally require a larger entrance fee and/or monthly fees than a declining balance agreement. However, under a declining balance contractual refund agreement, the resident might not receive any refund when terminating the agreement. A lot of residents choose the percentage basis because it makes them feel good to know that the entrance fee refund will be paid to their children after they die.

Many CCRC agreements include provisions charging certain fees upon termination by a resident, such as refurbishment fees or additional monthly fees. A resident will be presented with various charges that need to be paid at the time of termination, which will for all practi-

cal purposes negate part of any contractual refund. Thus, there are few, if any, truly 100% refundable entrance fee agreements. Although these charges may only amount to several percentage points of the refund, they are a source of irritation sometimes because the resident forgot, or the resident's family did not realize, these clauses were in the agreement. (Note that the statutory refund is not subject to such changes or offsets.)

It is also important to note that virtually all providers, regardless of whether they use a percentage basis or declining basis contractual refund, make the refund contingent on the resale of the unit, i.e., the receipt of a new entrance fee for the unit from a new resident. This can delay for the payment of a contractual refund, especially if the unit is hard to market (either because the unit has issues or because the overall market is soft).

You can provide good service to your clients if you flag these various changes that could be charged at termination and help them understand the differences between the statutory refund and any contractual refund.

Any Ideas?

We are always looking for ideas and articles for the Newsletter. Please contact Elena Boisvert at meboisvert@comcast.net with any suggestions.

Guardianship..

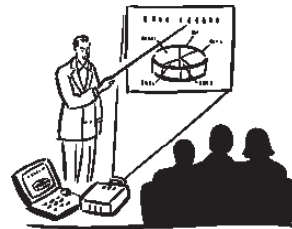
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Fortunately, now my advice to these callers does not have to be "there is nothing I can do." A mental health advance directive executed during a period of lucidity can provide a larger degree of control for the entire family, including the family member with mental illness, in a situation that can so quickly spin out of control.

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Nuts and Bolts of Social Security Disability Benefits

Understand SSD benefits and learn how to guide a client through the claims process.



September 17, 2010
Columbia, MD

2010 Legislative Session Changes Important to Elder Law Attorneys

By Larry Adashak

House Bill #	Senate Bill #	Chapter	Effective Date	Bill Name	Summary	Commentary
67		CHAPTER NUMBER: 119	10/1/10	Senior Prescription Drug Assistance Program - Sunset Extension	Extends the termination date for the Senior Prescription Drug Assistance Program to December 31, 2012; and extends the limit of \$14,000,000 on the subsidy that a nonprofit health service plan is required to provide to the Program under a specified provision of law through fiscal year 2013.	Bill affects the following Statute: Insurance (14-106)
71		CHAPTER NUMBER: 121	10/1/10	Senior Prescription Drug Assistance Program - Appointment of Insurance Producers	Prohibits an insurance producer from marketing the Senior Prescription Drug Assistance Program or assisting a Medicare beneficiary to enroll in the Program unless the insurance producer has an appointment from the Program; authorizes the Program to require an insurance producer to receive training about the Program before granting an appointment to the insurance producer; authorizes the Program to terminate the appointment if the Program determines the insurance producer violated specified provisions of law	Bill affects the following Statutes: Insurance (10-116, 514)
278	429	CHAPTER NUMBER: 143	10/1/10	Maryland Medical Assistance Program - Medical Eligibility for Nursing Facility Level of Care	Requires the Department of Health and Mental Hygiene to determine that specified individuals are medically eligible for specified services under specified circumstances; and requires the Department to allow an individual to submit specified information under specified circumstances.	Health - General (, , , , , 146)
329	338	CHAPTER NUMBER: 146	10/1/10	Estates and Trusts - Elective Share - Extension of Time for Making Election	Authorizes a surviving spouse, within the period provided for making an election to take an elective share of the deceased spouse's estate, to file with the court a petition for an extension of time, with a copy given to the personal representative; and repeals the limitation that the court may only grant such an extension before the expiration of the time in which to make the election.	Bill affects the following Statute: Estates and Trusts (3-206)
423		CHAPTER NUMBER: 414	10/1/10	Life and Health Insurance Guaranty Corporation - Maximum Liability	Altering, for the present value of annuity benefits, the maximum amounts of specified contractual obligations of impaired insurers or insolvent insurers for which the Life and Health Insurance Guaranty Corporation may become liable under specified circumstances.	9-407 Raises the State coverage for an annuity to \$250,000 if the issuer fails.
368		CHAPTER NUMBER: 147	10/1/10	Human Services - Local Departments of Social Services - Audits	Requiring an audit of a local department of social services to be conducted every 3 years rather than every 2 years; and specifying that the audit is to be conducted by the Office of the Inspector General in the Department of Human Resources.	Bill affects the following Statute: Human Services (3-602)
384	655	CHAPTER NUMBER: 94	10/1/10	Task Force to Study Financial Matters Relating to Long-Term Care Facilities - Extension	Extending the termination date of the Task Force to Study Financial Matters Relating to Long-Term Care Facilities to June 30, 2012; and altering specified dates by which the reports of the Task Force are required to be submitted.	
448	340	CHAPTER NUMBER: 64	10/1/10	Estates and Trusts -Maryland International Wills Act	Provides for the execution of an international will; establishes specified requirements for an international will; authorizes specified persons to supervise the execution of international wills; provides for a specified certificate; provides for the revocation of an international will; etc. According to Richard Wright: "... facilitat[es] the recognition of Maryland international wills in the foreign probate proceedings of 12 countries including Canada, France, Belgium and Italy.	Estates and Trusts (601 , 607 , 4-608 , 4-609) Attorneys should review this law to determine if they need to revise their execution practices and documents so that a client's Will will comply with the requirements of the act.
536		CHAPTER NUMBER: 155	10/1/10	Department of Aging - Long-Term Care Ombudsman Program	Reestablishes the Long-Term Care Ombudsman Program in the Department of Aging; specifies the purpose of the Program; establishes the Office of the Long-Term Care Ombudsman in the Department; provides for the appointment of the State Long-Term Care Ombudsman; establishes specified powers and duties of the Secretary, the State Long-Term Care Ombudsman, and designated ombudsmen; requires that an ombudsman have access to specified facilities, documents, and records; requires the Secretary to adopt specified regulations; etc.	_____

House Bill #	Senate Bill #	Chapter	Effective Date	Bill Name	Summary	Commentary
	31	CHAPTER NUMBER: 10	4/13/10	Maryland Communities for a Lifetime Commission	Reestablishes the Statewide Empowerment Zones for Seniors Commission as the Maryland Communities for a Lifetime Commission to continue the work of the Statewide Empowerment Zones for Seniors Commission; provides for the membership of the Commission; authorizes the Commission to consult with specified individuals and entities; authorizes the Secretary of Aging to perform specified duties	
	56	CHAPTER NUMBER: 16	10/1/10	Health Insurance - Medicare Supplement Policies - Repeal of Requirement to Offer Plan I	Repeals the requirement that specified carriers make available a Medicare supplement policy plan I to specified individuals if an application for a Medicare supplement policy or certificate is submitted during specified time periods.	Bill affects the following Statute: Insurance(15-909)
525	279	CHAPTER NUMBER: 4	10/1/10	Maryland False Health Claims Act of 2010	Prohibiting specified actions constituting false claims against a State health plan or a State health program; providing specified penalties for making false claims against a State health plan or a State health program; authorizing the State or a person on behalf of the State to file a civil action against a person who makes a false claim against a State health plan or a State health program under specified circumstances; providing for the procedures to be followed and remedies in a civil action; etc.	Bill affects the following Statutes: Health - General (2-601 , 2-602 , 2-603 2-604 2-605 2-606 2-607 2-608 2-609 2-610 2-611 Likened to Qui Tam under the Federal False Claims Act. Applicable to a Maryland State health plan or State health program.
1042		CHAPTER NUMBER: 452	5/4/10	State Government - Disclosure of Personal Information on Websites - Prohibition	Prohibiting specified courts, the Maryland General Assembly, and specified departments and specified units of the Executive Branch of State government from publicly posting or displaying on specified Internet websites an individual's Social Security number or driver's license number.	Courts and Judicial Proceedings() Real Property(,) State Government (,)
327		CHAPTER NUMBER: 667	10/1/10	Estates - Disqualification - Conviction for Unlawfully Obtaining Property of Vulnerable Adult or Elderly Individual	Limits the extent to which a person convicted of a specified prohibition against unlawfully obtaining property from a specified victim shall be disqualified from inheriting, taking, enjoying, receiving, or otherwise benefiting from the estate, insurance proceeds, or property of the victim; provides that a specified defendant has a specified burden of proof; makes a clarifying change; and applies the Act prospectively.	Bill affects the following Statutes: Criminal Law(8-801) Estates and Trusts(110) Alters the extent to which a person convicted of unlawfully obtaining property from a vulnerable adult is disqualified from inheriting from the vulnerable adult.
328		CHAPTER NUMBER: 545	10/1/10	Estates and Trusts - Guardianship - Payment of Expenses After Death of Ward	Requires that, after the death of a minor or disabled person for whom a guardian of the property has been appointed, the guardian of the property of the minor or disabled person pay from the estate all commissions, fees, and expenses shown on the court-approved final guardianship account and retain the balance of the estate for delivery to an appointed personal representative of the decedent or other person entitled to it. (Cross filed with Senate Bill 339)	Bill affects the following Statute: Estates and Trusts(13-214
337	341	CHAPTER NUMBER: 282	10/1/10	Real Property - Effect of Deed Granting Property from Trust or Estate	Providing that a grant of property by deed from a trust has the same effect as if the grantee had received the property from the trustee; providing that a grant of property by deed from an estate has the same effect as if the grantee had received the property from the personal representative for the estate; providing for the application of the Act.	Real Property() Repairs the issue of a deed that names a trust or estate as grantor instead of trustee or personal representative.
443		CHAPTER NUMBER: 674	7/1/10	Inheritance Tax - Exemption - Spouses of Predeceasing Descendants	Provides an exemption from the inheritance tax for property that passes from a decedent to or for the use of a surviving spouse of a deceased child or a deceased lineal descendant of a child of the decedent; and applies the Act to decedents dying on or after July 1, 2010.	Repairs issue that some Orphan's Courts were attempting to charge inheritance tax for spouses of predeceasing descendants.
531		CHAPTER NUMBER: 683	10/1/10	Task Force to Study the Procurement of Health, Education, and Social Services by State Agencies - Extension	Extending the reporting and termination provisions relating to the Task Force to Study the Procurement of Health and Social Services by State Agencies; and renaming the Task Force to include education.	

House Bill #	Senate Bill #	Chapter	Effective Date	Bill Name	Summary	Commentary
659	519 309	<u>CHAPTER NUMBER: 689</u> <u>CHAPTER NUMBER: 690</u>	10/1/10	Maryland General and Limited Power of Attorney Act (Loretta's Law)	Repeals specified provisions of law relating to durable powers of attorney; establishes the Maryland General and Limited Power of Attorney Act; establishes that a specified agent is not required to disclose specified information, with specified exceptions; prohibits a person from requiring an additional or different power of attorney than a specified statutory form power of attorney under specified circumstances; etc. According to Richard Wright: "... codifies an agent's responsibilities to his or her principal, gives an extended list of interested persons standing to petition a court to construe a POA or to review an agent's conduct, makes POAs generally enforceable as to third parties dealing with the agent, and provides statutory forms whose acceptance is enforceable by court order and liability for reasonable attorney's fees and costs. Please note that POAs executed on or after 10/1/10 must be executed with the same formalities as a will and acknowledged before a notary."	Bill affects the following Statutes: Estates and Trusts (13-601 , 17-101 17-102 17-103 17-104 17-105 17-106 17-107 17-108 17-109 17-110 17-111 17-112 17-113 17-114 17-115 17-116 17-201 17-202 17-203 17-204) This very hard fought and important bill has substantial benefits to our clients and should be reviewed by every attorney for current clients and prior drafted documents.
849		<u>CHAPTER NUMBER: 442</u>	10/1/10	Department of Health and Mental Hygiene - Home- and Community-Based Services Waiver - Denial of Access Prohibited	Prohibiting the Department of Health and Mental Hygiene from denying an individual access to a home- and community-based services waiver due to lack of funding if, in addition to existing criteria, the individual is eligible for 30 days of nursing facility services paid for by the Maryland Medical Assistance Program.	Bill affects the following Statute: Health - General (_____)
899		<u>CHAPTER NUMBER: 711</u>	10/1/10	Nursing Facility Residents - Home-Based and Community Services - Access Assistance	Requiring social workers to provide nursing facility residents with specified information about services under the home- and community-based services waiver programs on admission and discharge from the nursing facility; requiring the Department of Health and Mental Hygiene or the Department's designee to provide specified information to nursing facility residents within a specified number of days; requiring the Department to provide specified assistance to nursing facility residents within specified time frames.	Bill affects the following Statute: Health - General (_____)
1275	231	<u>CHAPTER NUMBER: 257</u>	10/1/10	Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	Establishing the Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act; establishing that a court of the State has jurisdiction to appoint a guardian or issue a protective order under specified circumstances; authorizing a court of the State to make a specified request of an appropriate court of another state in a guardianship or protective proceeding in this State and to grant a specified request from an appropriate court of another state; etc.	Bill affects the following Statutes: Estates and Trusts (13-101 , 13-101 , 13-101 , 13-105 13-201 13-202 13-203 13-204 13-205 13-206 13-207 13-208 13-209 13-210 13-211 13-212 13-213 13-214 13-215 13-216 13-217 13-218 13-219 13-220 13-221 13-222 13-704 13-705 13-706 13-707 13-708 13-709 13-710 13-711 13-712 13-713 13.5-101 <i>ET SEQ.</i> Important new legislation for Elder Law Attorneys regarding guardianships.
1424		<u>CHAPTER NUMBER: 468</u>	10/1/10	Medicaid State Plan Amendments - Effective Dates	Establishing the effective date of Medicaid State Plan amendments and Medical Assistance Program waiver applications and modifications; and providing for the application of the Act.	Bill affects the following Statutes: Health - General (_____ , _____)
	25	<u>CHAPTER NUMBER: 202</u>	10/1/10	Estates and Trusts - Property Held as Tenants by the Entireties - Transfer to Trust	Establishing that specified property of a husband and wife that is held as tenants by the entirety and conveyed to a trustee or trustees, and the proceeds of that property, shall retain its immunity from the claims of separate creditors under specified circumstances; providing that specified property continues to have specified immunity from the claims of specified creditors after the death of a specified individual; etc.	Bill affects the following Statutes: Courts and Judicial Proceedings (_____) Estates and Trusts (_____) Important asset protection statute for Estate Planning Attorneys allowing transfer of Tenants by the Entireties property to a joint revocable trust without losing TbyE protection. Reviewed in depth with planning suggestions in the Spring 2010 issue of MSBA Estates and Trusts Newsletter.

House Bill #	Senate Bill #	Chapter	Effective Date	Bill Name	Summary	Commentary
816	28	CHAPTER NUMBER: 203	10/1/10	Election Law - Voter Qualifications - Individuals Under Guardianship for Mental Disability	Repeals the disqualification of individuals under guardianship for mental disability from voting. The bill strikes the language that bans a person under guardianship from voting.	Bill affects the following Statute: Election Law(3-102) Important legislation changing the presumption so that a person under a guardianship is presumed competent to vote.
	52	CHAPTER NUMBER: 207	10/1/10	Department of Disabilities - Maryland Commission on Disabilities - Duties and Responsibilities	Requires The Secretary of Disabilities to request revision of State Disabilities Plan every 4 years. The bill alters duties of members of advisory commissions to provide "guidance to" rather than "carry out the mission of" the Department of Disabilities.†The bill also eliminates The Personal Assistance Services Advisory Committee.	Bill affects the following Statutes: Human Services (7-113 , _____ , _____ , 135
	83	CHAPTER NUMBER: 218	10/1/10	Department of Housing and Community Development - Group Home Financing Program - Refinancing	Authorizes Department of Housing and Community Development to modify loan terms if group home is at risk of default. (includes housing for elderly)	Housing and Community Development 4-603 4-610
	265	CHAPTER NUMBER: 531	10/1/10	Assisted Living Programs - Elevator Installation - Exemption	Exempts licensed assisted living programs with five or fewer beds from the registration and inspection requirements for installing an elevator; authorizes the adoption of regulations to enhance the safety of specified elevator units; etc	Public Safety(_____ 805)
328	339	CHAPTER NUMBER: 544	10/1/10	Estates and Trusts - Guardianship - Payment of Expenses After Death of Ward	Requires that, after the death of a minor or disabled person for whom a guardian of the property has been appointed, the guardian of the property of the minor or disabled person pay from the estate all commissions, fees, and expenses shown on the court-approved final guardianship account and retain the balance of the estate for delivery to an appointed personal representative of the decedent or other person entitled to it.	Bill affects the following Statute: Estates and Trusts(13-214) Repairs the issue of allowing Guardian to pay court approved final guardianship fees, commissions and expenses after the death of a ward from a guardianship estate before transferring the balance of the assets to the ward's personal representative.
900	465	CHAPTER NUMBER: 501	10/1/10	Developmental Disabilities Administration - Recipient Reevaluations	Requiring a recipient of services from the Developmental Disabilities Administration to be reevaluated under specified circumstances to determine the needs of and funding levels required by the recipient; authorizing specified individuals to request the reevaluation; and authorizing a recipient who has been denied a reevaluation to request a hearing in accordance with a specified provision of law.	Bill affects the following Statutes: Health - General (7-406 , 7-1006)
882	774	CHAPTER NUMBER: 604	10/1/10	Life and Health Insurance - Senior Investment Protection	Prohibiting a person from using a senior-specific certification or professional designation in a way that would mislead a purchaser of life insurance, health insurance, or an annuity about specified matters; stating the intent of the Act; requiring the Maryland Insurance Commissioner to specify misleading uses of senior-specific certifications and professional designations by regulation or order; providing that specified uses shall be specified as being misleading under the Act; etc.	Bill affects the following Statutes: Insurance (27-201 , 27-223
879	776	CHAPTER NUMBER: 608	10/1/10	Assisted Living and Nursing Home Residents Protection Act of 2010	Requiring local law enforcement units to send assisted living programs or nursing homes a written notice of a registration statement of a sexual offender whose address is that of the assisted living program or nursing home; requiring that, during a specified application process, nursing homes and assisted living facilities require a State criminal history records check of residents over 18 years of age and check the Maryland Sex Offender Registry on the website of the Department of Public Safety and Correctional Services; etc.	Public Safety (_____ , _____)
799	878	CHAPTER NUMBER: 622	10/1/10	Reverse Mortgage Homeowners Protection Act	Authorizing a borrower under a reverse mortgage loan to prepay the loan without penalty; authorizing specified interest rates and interest that is contingent on specified factors in connection with a reverse mortgage loan; authorizing specified costs and fees in connection with a reverse mortgage loan; prohibiting a reduction in the amount or number of periodic advances paid to a borrower under a reverse mortgage loan under specified circumstances; etc.	Bill affects the following Statutes: Commercial Law (_____ , _____ , 1205 , 12-1206 , 12-1207 , 12-1208

House Bill #	Senate Bill #	Chapter	Effective Date	Bill Name	Summary	Commentary
1226	920	CHAPTER NUMBER: 504	10/1/10	Developmental Disabilities Administration - Low Intensity Support Services	Establishing a Low Intensity Support Services Program in the Developmental Disabilities Administration; requiring low intensity support services to be flexible to meet the needs of individuals and families; requiring the Developmental Disabilities Administration to provide a specified funding for low intensity support services for specified individuals; providing that an individual seeking low intensity support services is not required to submit or complete specified applications; etc.	Bill affects the following Statutes: Health - General (7-403, 7-717)
929	855	CHAPTER NUMBER: 6	10/1/10	Patient Centered Medical Home Program	Requiring the Maryland Health Care Commission to establish a Maryland Patient Centered Medical Home Program under specified circumstances; requiring specified health insurance carriers to participate in the Program; authorizing the Commission to authorize specified carriers to implement a single carrier patient centered medical home program; requiring the Commission to adopt certain standards and practices for the Program; etc.	Bill affects the following Statutes: Health (19-1A-01 19-1A-02 19-1A-03 19-1A-04 19-1A-05 19-706 Insurance (1801 , 15-1802))
	337	CHAPTER NUMBER: 62	4/13/10	Estates and Trusts - Construction of References in Will or Trust to Federal Estate Tax or Generation-Skipping Transfer Tax	Establishes that specified provisions in a will or trust of a decedent who dies after December 31, 2009, and before January 1, 2011, shall be deemed to refer to the federal estate tax or generation-skipping tax laws on December 31, 2009; provides for the application and construction of specified provisions of the Act; authorizes a personal representative or interested person to bring a proceeding to construe specified provisions in a will or other instrument; etc. (Cross-filed with H.B. 449)	Bill affects the following Statute: Estates and Trusts () This is an attempted repair to drafted estate planning documents that did not consider the effect of the repeal of the Federal Estate Tax. In 2010. However, each attorney must review their documents for sufficiency for tax planning for this year and subsequent years. Note HB449 was vetoed by the Governor as duplicative (it mirrored language in SB337)