



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**House Bill 1263**

Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions  
In the Health and Government Operations Committee

Hearing on March 7, 2024

**Position: FAVORABLE**

*Maryland Legal Aid submits its written and oral testimony on HB 1263 at the request of the Maryland State Long-Term Care Ombudsman, Ms. Stevanne Ellis.*

Maryland Legal Aid (MLA) asks that the Committee report **favorably and pass** HB 1263, which expands reporting responsibilities to the Office of HealthCare Quality (OHCQ), including requiring OHCQ to create a user-friendly database of licensed Assisted Living Facility (ALF) programs and makes Assisted Living Referrers subject to the Health Insurance Portability and Accountability Act (HIPAA), ensuring greater protection and confidentiality of sensitive personal identifying information.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our twelve offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including representation of adults residing in nursing home and assisted living facilities, in cases relating to health care access, long-term care, evictions from those facilities, and debt collection.

Subsequent to receiving care in a skilled nursing facility, some of our clients desire more independence. MLA also represents clients who require assistance with activities of daily living that cannot be managed independently. In both situations, the decision to transfer to a new setting and to find a facility that meets quality, geographic, and financial requirements, can be challenging to navigate. Given the complexity of vetting dozens of options while managing complex medical needs, many of our clients seek assistance from assisted living referral (placement) agencies. Sometimes a patient awaiting hospital discharge who needs placement at an assisted living facility may utilize an ALF referrer. These referrers often are incentivized by financial rewards, and even though referrers are required to disclose all financial relationships they have with particular ALF programs, many provide misleading information that threatens the health, safety, and stability of the resident.

MLA has been advised that the Bill is being amended to include a provision that potential resident visits may be made unannounced. This is an important change because consumers should be able to see the conditions of a facility without special advanced preparation, including staffing levels, resident treatment, and cleanliness.

In addition, consumers should be able to easily access and rely on the state to obtain accurate information regardless of the agency that provides the information. These resources often exist, for

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example, the list of licensed ALFs on OHCQ's website, but they are difficult for consumers to access. Where expert guidance and coordination between agencies and delegated authorities is lacking, the information is frequently inaccurate or unreliable.

The Maryland Health Care Commission (MHCC)<sup>1</sup> maintains a database of assisted living facilities. We recommend that OHCQ link the more robust MHCC database of licensed ALFs on its website, which will enable consumers to verify information provided from a referrer. It will also empower people to make decisions based on impartially maintained data.

MLA worked with a client, Mr. J, who resided in an ALF. The ALF evicted him, giving him 30 days to find another ALF that could meet his needs. He had no family support to help him find and vet options, and his current ALF had no obligation to assist him with this process. He had to turn to a referrer for assistance or he would have ended up on the street. This referrer found him placement at an ALF in which Mr. J later experienced poor care, retaliation, and a bed bug infestation. Had Mr. J had more protections and there was more transparency in the process, the poor care and resulting trauma he experienced could have been avoided.

**Maryland Legal Aid urges the Committee to issue a FAVORABLE report and PASSAGE of HB 1263.** If you have any questions, please contact Christina Moore, 410.951.7727, [cmoore@mdlab.org](mailto:cmoore@mdlab.org).

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<sup>1</sup> <https://healthcarequality.mhcc.maryland.gov/>