

SENATE BILL 952

J3

(4lr3312)

ENROLLED BILL

— Finance/Health and Government Operations —

Introduced by **Senator Hettleman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Assisted Living Programs – Assisted Living Referrers – Requirements and**
3 **Prohibitions**

4 FOR the purpose of establishing certain requirements for assisted living referrers,
5 including requirements related to the maintenance of general liability insurance,
6 criminal history records checks, and the ~~maintenance and~~ provision of certain
7 agreements and ~~documents~~ *descriptions of services*, ~~and assisted living program~~
8 ~~tours~~; prohibiting an assisted living referrer from requesting payment for a referral
9 after a certain time period ~~and selling certain data~~; requiring the Office of Health
10 Care Quality to maintain a certain database of approved assisted living programs
11 ~~for a certain purpose~~; *requiring an assisted living referrer to comply with certain data*
12 *privacy provisions on certain dates*; and generally relating to assisted living referrers
13 and assisted living programs.

14 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Article – Health – General
 2 Section 19–1813
 3 Annotated Code of Maryland
 4 (2023 Replacement Volume)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 6 That the Laws of Maryland read as follows:

7 **Article – Health – General**

8 19–1813.

9 (a) In this section, “assisted living referrer” means an individual or agency that:

10 (1) Makes referrals to assisted living programs without cost to the person
 11 receiving the referral; and

12 (2) Is compensated by an assisted living program or other third party for
 13 referring individuals to a licensed assisted living program.

14 (b) Each assisted living referrer:

15 (1) Shall register with the Office of Health Care Quality;

16 (2) Shall disclose to a client or potential client of the assisted living referrer
 17 all financial relationships the assisted living referrer has with assisted living programs;

18 (3) If referring a client or potential client to an assisted living program,
 19 shall affirm that the assisted living program is licensed;

20 (4) If referring a client or potential client to an assisted living program,
 21 may refer the client or potential client only to a licensed assisted living program; [and]

22 **(5) SHALL MAINTAIN GENERAL LIABILITY INSURANCE;**

23 **(6) SHALL REQUIRE EMPLOYEES TO OBTAIN A CRIMINAL HISTORY**
 24 **RECORDS CHECK;**

25 ~~**(7) SHALL SIGN A IF MEDICAL INFORMATION IS EXCHANGED, SHALL**~~
 26 ~~**SIGN A DOCUMENT WITH THE CLIENT OR THE CLIENT’S REPRESENTATIVE IN**~~
 27 ~~**ACCORDANCE WITH THE FEDERAL HEALTH INSURANCE PORTABILITY AND**~~
 28 ~~**ACCOUNTABILITY ACT AGREEMENT WITH THE CLIENT OR THE CLIENT’S**~~
 29 ~~**REPRESENTATIVE;**~~

30 ~~**(8) SHALL MAINTAIN A SIGNED, WRITTEN, AND DATED DOCUMENT AN**~~
 31 ~~**ELECTRONIC OR WRITTEN AGREEMENT BETWEEN THE ASSISTED LIVING REFERER**~~

1 ~~AND THE CLIENT OR THE CLIENT'S REPRESENTATIVE OUTLINING THE TERMS OF~~
 2 ~~ASSISTANCE PROVIDED BY THE ASSISTED LIVING REFERRER; AND~~

3 (7) SHALL PROVIDE TO THE CLIENT OR THE CLIENT'S
 4 REPRESENTATIVE A DESCRIPTION OF THE SERVICES THAT WILL BE PROVIDED BY
 5 THE REFERRER;

6 (8) IF THE REFERRER HAS A FINANCIAL AGREEMENT WITH THE
 7 CLIENT OR THE CLIENT'S REPRESENTATIVE, SHALL PROVIDE THE AGREEMENT TO
 8 THE CLIENT OR THE CLIENT'S REPRESENTATIVE IN WRITING OR BY ELECTRONIC
 9 MEANS; AND

10 [(5)] (9) Shall notify the Office of Health Care Quality immediately on
 11 learning that the assisted living program is operating without a license.

12 ~~(c) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ASSISTED~~
 13 ~~LIVING REFERRER MAKING A REFERRAL TO AN ASSISTED LIVING PROGRAM SHALL~~
 14 ~~ARRANGE AND FACILITATE A TOUR OF THE ASSISTED LIVING PROGRAM FOR THE~~
 15 ~~CLIENT AND THE CLIENT'S FAMILY.~~

16 ~~(2) DURING THE TOUR REQUIRED UNDER PARAGRAPH (1) OF THIS~~
 17 ~~SUBSECTION, A REPRESENTATIVE OF THE ASSISTED LIVING REFERRER AND A~~
 18 ~~REPRESENTATIVE OF THE ASSISTED LIVING PROGRAM SHALL BE PRESENT.~~

19 [(c)] (d) An assisted living referrer may not:

20 (1) Receive funding from the Department if the assisted living referrer is
 21 in violation of this subtitle; [or]

22 (2) Make referrals only to licensed assisted living programs from which the
 23 assisted living referrer receives compensation as described in subsection (a)(2) of this
 24 section; OR ~~OR~~

25 (3) REQUEST PAYMENT OF A REFERRAL FEE FROM AN ASSISTED
 26 LIVING PROGRAM MORE THAN ~~1 YEAR~~ 2 YEARS AFTER THE ASSISTED LIVING
 27 REFERRER PROVIDED THE REFERRAL; OR

28 ~~(4) SELL THE DATA OF THE CLIENT OR THE CLIENT'S~~
 29 ~~REPRESENTATIVE TO ANOTHER PERSON.~~

30 [(d)] (e) If requested by any person or on its own initiative, the Office of the
 31 Attorney General may investigate whether an assisted living referrer violated this subtitle
 32 and may seek appropriate relief.

1 ~~(F)~~ (E) THE OFFICE OF HEALTH CARE QUALITY SHALL MAINTAIN A
2 USER-FRIENDLY DATABASE OF LICENSED ASSISTED LIVING PROGRAMS ~~AND~~
3 ~~ENSURE THAT EACH ASSISTED LIVING REFERRER HAS ACCESS TO THE DATABASE.~~

4 (F) (1) ON OR BEFORE SEPTEMBER 30, 2025, AN ASSISTED LIVING
5 REFERRER:

6 (I) SHALL KEEP A CLIENT OR POTENTIAL CLIENT’S MEDICAL
7 RECORD, AS DEFINED IN § 4-301 OF THIS ARTICLE, CONFIDENTIAL AND MAY
8 DISCLOSE THE MEDICAL RECORD ONLY FOR THE PURPOSE OF MAKING A REFERRAL
9 IF THE CLIENT OR POTENTIAL CLIENT GIVES INFORMED WRITTEN, ELECTRONIC, OR
10 AUDIO RECORDED CONSENT; AND

11 (II) MAY NOT SELL THE PERSONAL DATA OF A CLIENT,
12 POTENTIAL CLIENT, OR CLIENT’S REPRESENTATIVE TO ANOTHER PERSON UNLESS
13 THE CLIENT OR THE CLIENT’S REPRESENTATIVE GIVES INFORMED WRITTEN,
14 ELECTRONIC, OR AUDIO RECORDED CONSENT.

15 (2) ON OR AFTER OCTOBER 1, 2025, AN ASSISTED LIVING REFERRER
16 SHALL COMPLY WITH ALL APPLICABLE DATA PRIVACY LAWS.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.