

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 387 (Delegate Korman)
Health and Government Operations

Assisted Living Program Transparency Act

This bill requires each assisted living program with a website to post a copy of its most recent services disclosure statement.

Fiscal Summary

State Effect: None. The bill pertains exclusively to private-sector activities.

Local Effect: None.

Small Business Effect: None; any operational impact is negligible.

Analysis

Current Law/Background: “Assisted living program” means a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of these services that assist individuals who are unable to perform (or who need help performing) the activities of daily living or instrumental activities of daily living. These services are to be provided in a way that promotes optimum dignity and independence for the individuals.

The Office of Health Care Quality (OHCQ) within the Department of Health and Mental Hygiene (DHMH) advises that a services disclosure statement is a standardized form that is completed by each assisted living provider to describe its services, policies, and procedures. The purpose of the services disclosure statement is to empower consumers by describing an assisted living program’s policies and services in a uniform manner. The

format is intended to provide prospective residents and their families with consistent categories of information from which they can compare programs and services.

An assisted living program services disclosure statement must be filed as part of a program's licensure application with OHCQ. If an assisted living program changes its services reported on the statement, it must file an amended statement with OHCQ within 30 days of the change in services. A copy of the statement must be made available to an individual upon request. An assisted living program must provide a copy of the services disclosure statement to individuals as part of the program's marketing materials.

DHMH recommended establishing a uniform services disclosure form for assisted living programs in a 2006 report. In the report, DHMH supported expanding the accessibility of disclosure statements, requiring programs to notify DHMH of services and changes in services provided and requiring providers to make the disclosure statements available to any person requesting a copy.

Chapter 356 of 2006 subsequently required DHMH, in consultation with the Maryland Health Care Commission (MHCC) and assisted living industry stakeholders, to develop a standard assisted living program services disclosure statement. Chapter 356 also required DHMH to report, among other things, the resources required to make the disclosure statement available online. In a subsequent letter to the chairs of the Senate Finance and House Health and Government Operations committees, the Secretary of Health and Mental Hygiene advised that DHMH had begun a pilot program with MHCC to post *the form* online. However, the letter does not address the posting of completed statements to any State website. The blank [uniform disclosure statement](#) form is currently available on DHMH's website.

Some assisted living programs already post their completed service disclosure form online, but there is no requirement to do so.

OHCQ advises that 1,564 assisted living programs are licensed to operate in the State; 39 of them have the capacity to house 100 clients or more, while 1,189 assisted living programs have 10 or fewer clients.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Aging; Department of Health and Mental Hygiene; Department of Legislative Services

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mm/jc

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