

SENATE BILL 624

J3

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By: **Senator Hettleman**

Introduced and read first time: February 3, 2022

Assigned to: Finance

A BILL ENTITLED

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 documents; prohibiting assisted living referrers from referring clients to certain
8 assisted living programs, having power of attorney over clients, or selling or
9 transferring certain contact information to third parties under certain
10 circumstances; prohibiting an assisted living program from paying a fee to an
11 assisted living referrer under certain circumstances; and generally relating to
12 assisted living referrers and assisted living programs.

13 BY repealing and reenacting, with amendments,
14 Article – Health – General
15 Section 19–1813
16 Annotated Code of Maryland
17 (2019 Replacement Volume and 2021 Supplement)

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

20 **Article – Health – General**

21 19–1813.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 (b) Each assisted living referrer:

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

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

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

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

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

12 **(6) SHALL REQUIRE EMPLOYEES TO OBTAIN A CRIMINAL HISTORY**
13 **RECORDS CHECK;**

14 **(7) SHALL SIGN A FEDERAL HEALTH INSURANCE PORTABILITY AND**
15 **ACCOUNTABILITY ACT AGREEMENT WITH THE CLIENT OR THE CLIENT'S**
16 **REPRESENTATIVE; AND**

17 ~~[(5)]~~ **(8)** Shall notify the Office of Health Care Quality immediately on
18 learning that the assisted living program is operating without a license.

19 **(C) (1) EACH ASSISTED LIVING REFERRER SHALL MAINTAIN A WRITTEN**
20 **SIGNED AND DATED DOCUMENT BETWEEN THE ASSISTED LIVING REFERRER AND**
21 **THE CLIENT OR THE CLIENT'S REPRESENTATIVE THAT INCLUDES:**

22 **(I) THE RIGHT OF THE CLIENT OR CLIENT'S REPRESENTATIVE**
23 **TO TERMINATE THE ASSISTED LIVING REFERRER'S SERVICES FOR ANY REASON AT**
24 **ANY TIME; AND**

25 **(II) A REQUIREMENT THAT THE ASSISTED LIVING REFERRER**
26 **COMMUNICATE THE CANCELLATION OF THE AGREEMENT TO ALL ASSISTED LIVING**
27 **PROGRAMS TO WHICH THE CLIENT HAS BEEN REFERRED.**

28 **(2) (I) ON OR BEFORE THE DAY A CLIENT IS ADMITTED AS A**
29 **RESIDENT TO AN ASSISTED LIVING PROGRAM, THE ASSISTED LIVING REFERRER**
30 **SHALL PROVIDE TO THE PROGRAM THE WRITTEN DOCUMENT MAINTAINED UNDER**
31 **PARAGRAPH (1) OF THIS SUBSECTION.**

1 **(II) THE ASSISTED LIVING PROGRAM MAY NOT PAY A FEE TO**
2 **THE ASSISTED LIVING REFERRER:**

3 **1. UNTIL THE WRITTEN DOCUMENT MAINTAINED UNDER**
4 **PARAGRAPH (1) OF THIS SUBSECTION IS PROVIDED TO THE ASSISTED LIVING**
5 **PROGRAM; AND**

6 **2. ON OR AFTER THE DAY THE AGREEMENT BETWEEN**
7 **THE ASSISTED LIVING REFERRER AND THE CLIENT OR CLIENT'S REPRESENTATIVE**
8 **IS TERMINATED.**

9 **(3) THE ASSISTED LIVING PROGRAM AND THE ASSISTED LIVING**
10 **REFERRER SHALL KEEP A WRITTEN OR ELECTRONIC COPY OF THE WRITTEN**
11 **DOCUMENT MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AT**
12 **LEAST 1 YEAR AFTER THE CLIENT IS ADMITTED AS A RESIDENT TO AN ASSISTED**
13 **LIVING PROGRAM.**

14 **[(c)] (D)** An assisted living referrer may not:

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

17 (2) Make referrals only to licensed assisted living programs from which the
18 assisted living referrer receives compensation as described in subsection (a)(2) of this
19 section;

20 **(3) REFER CLIENTS TO ASSISTED LIVING PROGRAMS IF THE ASSISTED**
21 **LIVING REFERRER IS AN OWNER OF THE ASSISTED LIVING PROGRAM;**

22 **(4) HAVE POWER OF ATTORNEY OVER A CLIENT; OR**

23 **(5) SELL OR TRANSFER THE CLIENT'S OR THE CLIENT'S**
24 **REPRESENTATIVE'S CONTACT INFORMATION TO A THIRD PARTY WITHOUT THE**
25 **WRITTEN CONSENT OF THE CLIENT OR THE CLIENT'S REPRESENTATIVE.**

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

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2022.