

SENATE BILL 952

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4lr3312
CF HB 1263

By: **Senator Hettleman**

Introduced and read first time: February 2, 2024

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

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, ~~and assisted living program tours~~; prohibiting an
8 assisted living referrer from requesting payment for a referral after a certain time
9 period and selling certain data; requiring the Office of Health Care Quality to
10 maintain a certain database of approved assisted living programs ~~for a certain~~
11 ~~purpose~~; and generally relating to assisted living referrers and assisted living
12 programs.

13 BY repealing and reenacting, with amendments,

14 Article – Health – General

15 Section 19–1813

16 Annotated Code of Maryland

17 (2023 Replacement Volume)

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.

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.



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

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

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

(b) Each assisted living referrer:

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

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

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

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

(5) SHALL MAINTAIN GENERAL LIABILITY INSURANCE;

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

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

(8) ~~SHALL MAINTAIN A SIGNED, WRITTEN, AND DATED DOCUMENT AN ELECTRONIC OR WRITTEN AGREEMENT~~ BETWEEN THE ASSISTED LIVING REFERRER AND THE CLIENT OR THE CLIENT’S REPRESENTATIVE OUTLINING THE TERMS OF ASSISTANCE PROVIDED BY THE ASSISTED LIVING REFERRER; AND

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

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

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

4 ~~[(c)] (D)~~ An assisted living referrer may not:

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

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

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

13 (4) SELL THE DATA OF THE CLIENT OR THE CLIENT'S
14 REPRESENTATIVE TO ANOTHER PERSON.

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.