

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 952

(Senator Hettleman)

Finance

Health and Government Operations

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**Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions**

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This bill establishes additional requirements for an assisted living referrer. An assisted living referrer must (1) maintain general liability insurance; (2) require employees to obtain a criminal history records check; (3) if medical information is exchanged, sign a document with the client or the client’s representative in accordance with the federal Health Insurance Portability and Accountability Act; and (4) maintain an electronic or written agreement between the assisted living referrer and the client or the client’s representative, as specified. An assisted living referrer may not (1) request payment of a referral fee from an assisted living program more than two years after the assisted living referrer provided the referral or (2) sell the data of the client or the client’s representative to another person. The Office of Health Care Quality (OHCQ) must maintain a user-friendly database of licensed assisted living programs.

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**Fiscal Summary**

**State Effect:** The bill’s requirements can be handled with existing budgeted resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:** Chapter 589 of 2020 defines an “assisted living referrer” as 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.

Each assisted living referrer (1) must register with OHCQ within the Maryland Department of Health (MDH); (2) must 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) must affirm that an assisted living program is licensed if referring a client or potential client; (4) may refer the client or potential client only to a licensed assisted living program if referring a client or potential client; and (5) must notify OHCQ immediately on learning that an assisted living program is operating without a license.

An assisted living referrer may not (1) receive funding from MDH if the referrer violates these requirements or (2) make referrals only to licensed assisted living programs from which the referrer receives compensation. If requested by any person or on its own initiative, the Office of Attorney General may investigate whether an assisted living referrer violated the bill's provisions and may seek appropriate relief.

OHCQ currently maintains an assisted living program licensee directory on its public [website](#) that includes the name of the assisted living program, full address, county, license number, date licensed, contact person, phone number, electronic mail address, and website. This information is updated monthly and is available as an Excel spreadsheet.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has been introduced within the last three years. See SB 624 of 2022.

**Designated Cross File:** HB 1263 (Delegate Pasteur) - Health and Government Operations.

**Information Source(s):** Maryland Department of Health; Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2024  
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