

HOUSE BILL 1291

J3

5lr2633
CF SB 751

By: **Delegate Wims**

Introduced and read first time: February 7, 2025

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Facilities – Assisted Living Programs – Family Councils**

3 FOR the purpose of providing for the composition of a family council for certain assisted
4 living programs; authorizing a family council to be created and, under certain
5 circumstances, led by the owner, operator, or staff of an assisted living program;
6 requiring certain assisted living programs to give new and prospective residents
7 information about the family council; requiring certain assisted living programs to
8 respond in writing to certain communications from the family council within a
9 certain time frame; requiring certain assisted living facilities to create and maintain
10 certain correspondence files for communications with a family council; and generally
11 relating to family councils in assisted living programs.

12 BY adding to

13 Article – Health – General

14 Section 19–1815

15 Annotated Code of Maryland

16 (2023 Replacement Volume and 2024 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

18 That the Laws of Maryland read as follows:

19 **Article – Health – General**

20 **19–1815.**

21 **(A) IN THIS SECTION, “FAMILY COUNCIL” MEANS A GROUP OF INDIVIDUALS**
22 **WHO WORK TOGETHER TO PROTECT THE RIGHTS OF AND IMPROVE THE QUALITY OF**
23 **LIFE OF THE RESIDENTS OF AN ASSISTED LIVING PROGRAM.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THIS SECTION APPLIES ONLY TO AN ASSISTED LIVING PROGRAM WITH**
2 **AT LEAST 15 BEDS.**

3 **(C) (1) A FAMILY COUNCIL FOR AN ASSISTED LIVING PROGRAM MAY**
4 **CONSIST OF THE FOLLOWING MEMBERS:**

5 **(I) MEMBERS OF A RESIDENT'S FAMILY; OR**

6 **(II) AN INDIVIDUAL APPOINTED BY THE RESIDENT OR, IF THE**
7 **RESIDENT IS INCAPABLE OF APPOINTING AN INDIVIDUAL, AN INDIVIDUAL**
8 **APPOINTED BY THE RESIDENT'S FAMILY.**

9 **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**
10 **FAMILY COUNCIL MAY BE CREATED BY THE OWNER, OPERATOR, OR STAFF OF AN**
11 **ASSISTED LIVING PROGRAM.**

12 **(II) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS**
13 **SUBSECTION, IN ORDER TO FACILITATE THE DEVELOPMENT OF A FAMILY COUNCIL,**
14 **THE OWNER, OPERATOR, OR STAFF OF AN ASSISTED LIVING PROGRAM MAY LEAD**
15 **THE FAMILY COUNCIL FOR NOT LONGER THAN 6 MONTHS, AT WHICH TIME THE**
16 **FAMILY COUNCIL SHALL BE LED BY A MEMBER OF THE FAMILY COUNCIL.**

17 **(3) ON WRITTEN REQUEST OF A FAMILY COUNCIL, AN ASSISTED**
18 **LIVING PROGRAM MAY ASSIST THE FAMILY COUNCIL IN THE ADMINISTRATIVE**
19 **FUNCTIONS OF OPERATING THE FAMILY COUNCIL IN A MUTUALLY AGREED-ON**
20 **MANNER.**

21 **(D) AN ASSISTED LIVING PROGRAM SHALL PROVIDE EACH NEW OR**
22 **PROSPECTIVE RESIDENT THE FOLLOWING WRITTEN INFORMATION ABOUT THE**
23 **FAMILY COUNCIL:**

24 **(1) THE NAME, ADDRESS, AND PHONE NUMBER OF A CURRENT**
25 **MEMBER OF THE FAMILY COUNCIL;**

26 **(2) A BRIEF DESCRIPTION OF THE PURPOSE AND FUNCTION OF THE**
27 **FAMILY COUNCIL;**

28 **(3) INSTRUCTIONS ON HOW THE RESIDENT OR PROSPECTIVE**
29 **RESIDENT MAY REVIEW THE PUBLIC FILES DESCRIBED IN SUBSECTION (F) OF THIS**
30 **SECTION; AND**

31 **(4) THE NAME, ADDRESS, AND PHONE NUMBER OF THE STATE OR**
32 **LOCAL OMBUDSMAN.**

1 **(E) AN ASSISTED LIVING PROGRAM SHALL RESPOND IN WRITING TO ANY**
2 **WRITTEN GRIEVANCE OR OTHER WRITTEN COMMUNICATION FROM THE FAMILY**
3 **COUNCIL WITHIN 14 CALENDAR DAYS AFTER RECEIVING A COMMUNICATION.**

4 **(F) (1) AN ASSISTED LIVING PROGRAM SHALL CREATE AND MAINTAIN A**
5 **PUBLIC CORRESPONDENCE FILE AND A REGULATORY CORRESPONDENCE FILE FOR**
6 **COMMUNICATIONS WITH A FAMILY COUNCIL.**

7 **(2) THE CORRESPONDENCE FILES SHALL INCLUDE A COPY OF EACH**
8 **WRITTEN COMMUNICATION AND RESPONSE DESCRIBED IN SUBSECTION (E) OF THIS**
9 **SECTION.**

10 **(3) (I) THE RECORDS IN THE REGULATORY FILE SHALL BE**
11 **UNEDITED.**

12 **(II) THE RECORDS IN THE PUBLIC FILE SHALL DELETE ANY**
13 **INFORMATION THAT IDENTIFIES AN INDIVIDUAL RESIDENT.**

14 **(4) THE PUBLIC FILE MAY BE REVIEWED BY A RESIDENT, A**
15 **PROSPECTIVE RESIDENT, OR THE REPRESENTATIVE OF EITHER A RESIDENT OR A**
16 **PROSPECTIVE RESIDENT DURING NORMAL BUSINESS HOURS AND AT ANY OTHER**
17 **TIME THE ASSISTED LIVING PROGRAM AGREES TO MAKE THE PUBLIC FILE**
18 **AVAILABLE.**

19 **(5) THE ASSISTED LIVING PROGRAM SHALL PROMPTLY COMPLY WITH**
20 **A REQUEST BY A LICENSING AUTHORITY TO REVIEW THE RECORDS IN EITHER THE**
21 **PUBLIC OR REGULATORY FILES.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2025.