

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1291 (Delegate Wims)
Health and Government Operations

Health Facilities - Assisted Living Programs - Family Councils

This bill authorizes the owner, operator, or staff of an assisted living program with 15 or more beds to create a “family council” (a group of individuals who work together to protect the rights of and improve the quality of life of the residents). An owner, operator, or staff of an assisted living program may lead the family council for up to six months, at which time the family council must be led by a member of the family council. A family council may consist of members of a resident’s family, or an individual appointed by the resident or the resident’s family, as specified. On written request of a family council, an assisted living program may assist the family council with administrative functions in a mutually agreed upon manner. An assisted living program must maintain specified records, respond to a family council within a certain timeframe, and provide each new or prospective resident specified written information about the family council.

Fiscal Summary

State Effect: The change is procedural in nature and does not directly affect governmental finances.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: An assisted living program must respond in writing to any written grievance or other written communication from the family council within 14 days.

An assisted living program must create and maintain a public correspondence file and a regulatory correspondence file for communications with a family council. The correspondence file must include a copy of each written communication and response, as specified. The records in the regulatory file must be unedited. The records in the public file must delete any information that identifies an individual resident. The public file may be reviewed by a resident, prospective resident, or a representative of a resident or prospective resident during normal business hours and at any other time the assisted living program agrees to make the public file available. An assisted living program must promptly comply with a request by a licensing authority to review the records in either the public or regulatory files.

An assisted living program must provide each new or prospective resident the following written information about the family council: (1) the name, address, and phone number of a current family council member; (2) a brief description of the council's purpose and function; (3) instructions on how to review the public files of a family council; and (4) the name, address, and phone number of the State or local ombudsman.

Current Law: An assisted living program is a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of such services that meets the needs of individuals who need assistance with the activities of daily living in a way that promotes optimum dignity and independence for the individuals. Assisted living programs are licensed by the Office of Health Care Quality within the Maryland Department of Health (MDH). MDH must, among other things, establish a resident bill of rights for residents of assisted living program facilities.

The bill of rights for residents of assisted living program facilities must include, at a minimum:

- the right to be treated with consideration, respect, and full recognition of human dignity and individuality;
- the right to receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant federal and State laws, rules, and regulations;
- the right to be free from mental and physical abuse;
- the right to be free from mental, verbal, sexual, and physical abuse, neglect, or involuntary seclusion or exploitation;
- the right to notice, procedural fairness, and humane treatment when being transferred or discharged from a facility;
- the right to participate in decision making regarding transitions in care, including a transfer or discharge from a facility;

- the right to be free from physical and chemical restraints, except for restraints that a physician authorizes for a clearly indicated medical need; and
- the right to manage personal financial affairs.

Nursing Home Family Council

A nursing home is a facility that offers nonacute care to patients suffering from a disease, chronic illness, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services.

A family council may be created by the owner, operator, or staff of a nursing home. In order to facilitate the development of a family council, the owner, operator, or staff may lead the family council for no longer than six months, at which time the council must be led by a council member. A nursing home must give each new or prospective resident specified written information about the family council. A nursing home, on the written request of a family council, may assist the council in administrative functions in a mutually agreed upon manner.

A nursing home must respond in writing to any written grievance or other written communication from the family council within 14 days. A nursing home must create and maintain a public correspondence file and a regulatory correspondence file for communications with a family council. The public file may be reviewed by a resident, prospective resident, or a representative during normal business hours and at any other time the nursing home agrees to make the public file available. A nursing home must promptly comply with a request by a licensure authority to review the records in either the public or regulatory files.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 751 (Senator Henson) - Finance.

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

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js/jc

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