

Chapter 698

(House Bill 636)

AN ACT concerning

Maryland Health Care Commission – Assisted Living Programs – Study

FOR the purpose of requiring the Maryland Health Care Commission, in consultation with the Office of Health Care Quality, the Maryland Long–Term Care Ombudsman Program, the Medicaid Administration, the Governor’s Workforce Development Board, and interested stakeholders, to conduct a study regarding the quality of care provided by certain assisted living programs; and generally relating to a study of assisted living programs.

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

(a) The Maryland Health Care Commission, in consultation with the Office of Health Care Quality, the Maryland Long–Term Care Ombudsman Program, the Medicaid Administration, the Governor’s Workforce Development Board, and interested stakeholders, shall conduct a study regarding the quality of care provided by assisted living programs with nine or fewer beds.

(b) In conducting the study required under subsection (a) of this section, the Commission shall:

(1) analyze the inspection data from the Office of Health Care Quality to determine, on a systemic level, where quality of care may be improved;

(2) examine the entry into and exit from the market for assisted living programs, including any noticeable trends related to inspection data or regulatory requirements;

(3) consider the feasibility of developing a reporting system for assisted living programs that protects patient confidentiality and makes data related to catastrophic health emergencies declared by the Governor and quality of care publicly available;

(4) review the current assisted living program licensure regulations to determine whether these programs should be regulated differently than programs with ten or more beds;

(5) determine whether:

(i) assisted living programs receive sufficient reimbursement to cover the cost of care for the services provided, including for residents with Alzheimer’s and

other dementia-related conditions, under initiatives offered through the Maryland Medicaid Administration or other State or local initiatives; and

(ii) the Home- and Community-Based Options Waiver, or any other waiver program that may be used for assisted living programs, can be revised to improve the quality of care and increase provider participation; and

(6) review staffing resources that could be better utilized and made available for these programs, including measures to encourage the recruitment and retention of staff and meet standards for sufficient staffing.

(c) On or before October 1, 2023, the Maryland Health Care Commission shall report its findings and recommendations, including any draft legislation, to the Governor, the Maryland Department of Health, and, in accordance with § 2-1257 of the State Government Article, the Senate Finance Committee and the House Health and Government Operations Committee.

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

Enacted under Article II, § 17(c) of the Maryland Constitution, May 29, 2022.