

# SENATE BILL 884

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CF 3lr2973

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By: **Senator M. Washington**

Introduced and read first time: February 9, 2023

Assigned to: Rules

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## A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Department of Health – Workgroup to Study the Establishment of an**  
3 **Affordable Assisted Living Enhanced Care Program**

4 FOR the purpose of requiring the Maryland Department of Health to establish a  
5 Workgroup to Study the Establishment of an Affordable Assisted Living Enhanced  
6 Care Program; and generally relating to the Maryland Department of Health and  
7 the provision of assisted living services.

8 Preamble

9 WHEREAS, Between 2015 and 2030, Maryland’s population of residents age 60 and  
10 older is anticipated to increase from 1.2 million to 1.7 million, a 40% increase; and

11 WHEREAS, Of 22,904 licensed assisted living beds in Maryland, only 1,060 (less  
12 than 5%) are occupied by older, low–income adults enrolled in the Medicaid Home and  
13 Community–Based Options Waiver (HCBOW); and

14 WHEREAS, There are over 22,000 Maryland residents on an 8–year waiting list for  
15 Medicaid HCBOW services and only a fraction of those potentially eligible for services are  
16 able to enroll in the HCBOW program as many die or end up in nursing homes before  
17 becoming eligible; and

18 WHEREAS, Current and future demand for services requires Maryland to evaluate  
19 new solutions to provide greater access to cost–effective, community–based care for  
20 low– and moderate–income adults to avoid costly institutionalization in hospitals and  
21 nursing homes; and

22 WHEREAS, Studies have demonstrated that assisted living improves quality of life  
23 by creating cohesive social environments and encouraging social participation and family  
24 involvement and can reduce the overall cost of care; and

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, An Affordable Assisted Living Enhanced Care Program could create a  
2 bundled payment for assisted living to promote new capacity and ensure adequacy of  
3 payment for services; and

4 WHEREAS, An Affordable Assisted Living Enhanced Care Program could combine  
5 high-quality assisted living residences with enhanced monitoring, care management,  
6 medication management, and other programs to improve community tenure and reduce  
7 institutionalization in hospitals or nursing homes; and

8 WHEREAS, Given the potential of an Affordable Assisted Living Enhanced Care  
9 Program to increase access to long-term care services and supports, control costs, improve  
10 community tenure, and reduce costly hospital and nursing home admissions, it is the intent  
11 of the General Assembly that the Maryland Department of Health convene a workgroup to  
12 study the feasibility of and propose design elements for such a program; now, therefore,

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

15 (a) (1) In this section the following words have the meanings indicated.

16 (2) “Activities of daily living” means normal daily activities, including:

17 (i) eating or being fed;

18 (ii) grooming, bathing, and oral hygiene, including brushing teeth,  
19 shaving, and combing hair;

20 (iii) mobility, transfer, ambulation, and access to the outdoors, when  
21 appropriate;

22 (iv) toileting; and

23 (v) dressing in clean, weather-appropriate clothing.

24 (3) “Assisted living residence” means a residential or facility-based  
25 program that provides housing and supportive services, supervision, personalized  
26 assistance, health-related services, or a combination of these services, that meets the needs  
27 of individuals who are unable to perform or need assistance in performing the activities of  
28 daily living or instrumental activities of daily living in a way that promotes optimum  
29 dignity and independence for the individuals.

30 (4) “Enhanced care” means the provision of services that are in addition to  
31 the provision of services of an assisted living residence, such as:

32 (i) person-centered, individualized care planning;

33 (ii) regular, proactive monitoring of health status to promote early

1 detection and resolution of medical issues;

2 (iii) care management to ensure timely referral and access to medical  
3 treatment and health-related services;

4 (iv) medication management to improve adherence and reduce  
5 medication errors;

6 (v) assessment and referral to therapy and restorative nursing  
7 programs;

8 (vi) health and wellness programs to help residents manage chronic  
9 illness, reduce the risk of falling, and live a healthy lifestyle;

10 (vii) activities programs to reduce social isolation and help seniors  
11 maintain an active lifestyle;

12 (viii) dietary services including nutritious meals and snacks; and

13 (ix) use of electronic medical records to improve care monitoring,  
14 improve quality oversight, and support the tracking and reporting of quality indicators.

15 (5) “Instrumental activities of daily living” means home management  
16 skills, including shopping for food and personal items, preparing meals, and handling  
17 money.

18 (b) The Maryland Department of Health shall convene a Workgroup to Study the  
19 Establishment of an Affordable Assisted Living Enhanced Care Program in the State.

20 (c) The Workgroup shall include:

21 (1) representatives of the Department;

22 (2) providers of assisted living services;

23 (3) present and future consumers of assisted living services;

24 (4) subject matter experts; and

25 (5) other relevant stakeholders.

26 (d) (1) The Workgroup shall study the feasibility of establishing a program to  
27 establish affordable assisted living residences that provide enhanced care services in an  
28 assisted living residence.

29 (2) The study required under paragraph (1) of this subsection shall include  
30 an examination of:

- 1 (i) the need for assisted living residences that provide enhanced  
2 care services;
- 3 (ii) characteristics of individuals who could benefit from enhanced  
4 care services provided in assisted living residences;
- 5 (iii) the types of services that should be provided under a program  
6 establishing affordable assisted living residences with enhanced care services;
- 7 (iv) the number and location of affordable assisted living residences  
8 with enhanced care services to establish under a program;
- 9 (v) criteria for ensuring the affordability of assisted living residences  
10 with enhanced care services under a program;
- 11 (vi) sources of available funding and funding levels needed to support  
12 a program establishing affordable assisted living enhanced care residences, including  
13 funding under the Maryland Medical Assistance Program;
- 14 (vii) permissible uses of funding received by participating assisted  
15 living residences under a program;
- 16 (viii) criteria for selecting affordable assisted living enhanced care  
17 residences to participate in a program;
- 18 (ix) eligibility criteria for residents of affordable assisted living  
19 enhanced care residences under a program;
- 20 (x) outcome measures to evaluate the effectiveness of a program;  
21 and
- 22 (xi) any other relevant issues or considerations identified by the  
23 Workgroup.

24 (e) On or before November 1, 2023, the Department shall submit a report to the  
25 Governor and, in accordance with § 2–1257 of the State Government Article, the General  
26 Assembly that includes the findings and recommendations of the Workgroup.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June  
28 1, 2023. It shall remain effective for a period of 1 year and 1 month and, at the end of June  
29 30, 2024, this Act, with no further action required by the General Assembly, shall be  
30 abrogated and of no further force and effect.