

# HOUSE BILL 1263

J3

4r3319  
CF SB 952

---

By: **Delegate Pasteur**

Introduced and read first time: February 8, 2024

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Assisted Living Programs – Assisted Living Referrers – Requirements and**  
3 **Prohibitions**

4 FOR the purpose of establishing certain requirements for assisted living referrers,  
5 including requirements related to the maintenance of general liability insurance,  
6 criminal history records checks, the maintenance and provision of certain  
7 agreements and documents, and assisted living program tours; prohibiting an  
8 assisted living referrer from requesting payment for a referral after a certain time  
9 period; requiring the Office of Health Care Quality to maintain a certain database of  
10 approved assisted living programs for a certain purpose; and generally relating to  
11 assisted living referrers and assisted living programs.

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 19–1813  
15 Annotated Code of Maryland  
16 (2023 Replacement Volume)

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 19–1813.

21 (a) In this section, “assisted living referrer” means an individual or agency that:

22 (1) Makes referrals to assisted living programs without cost to the person  
23 receiving the referral; and

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) Is compensated by an assisted living program or other third party for  
2 referring individuals to a licensed assisted living program.

3 (b) Each assisted living referrer:

4 (1) Shall register with the Office of Health Care Quality;

5 (2) Shall disclose to a client or potential client of the assisted living referrer  
6 all financial relationships the assisted living referrer has with assisted living programs;

7 (3) If referring a client or potential client to an assisted living program,  
8 shall affirm that the assisted living program is licensed;

9 (4) If referring a client or potential client to an assisted living program,  
10 may refer the client or potential client only to a licensed assisted living program; [and]

11 **(5) SHALL MAINTAIN GENERAL LIABILITY INSURANCE;**

12 **(6) SHALL REQUIRE EMPLOYEES TO OBTAIN A CRIMINAL HISTORY**  
13 **RECORDS CHECK;**

14 **(7) SHALL SIGN A FEDERAL HEALTH INSURANCE PORTABILITY AND**  
15 **ACCOUNTABILITY ACT AGREEMENT WITH THE CLIENT OR THE CLIENT'S**  
16 **REPRESENTATIVE;**

17 **(8) SHALL MAINTAIN A SIGNED, WRITTEN, AND DATED DOCUMENT**  
18 **BETWEEN THE ASSISTED LIVING REFERRER AND THE CLIENT OR THE CLIENT'S**  
19 **REPRESENTATIVE OUTLINING THE TERMS OF ASSISTANCE PROVIDED BY THE**  
20 **ASSISTED LIVING REFERRER; AND**

21 **[(5)] (9)** Shall notify the Office of Health Care Quality immediately on  
22 learning that the assisted living program is operating without a license.

23 **(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ASSISTED**  
24 **LIVING REFERRER MAKING A REFERRAL TO AN ASSISTED LIVING PROGRAM SHALL**  
25 **ARRANGE AND FACILITATE A TOUR OF THE ASSISTED LIVING PROGRAM FOR THE**  
26 **CLIENT AND THE CLIENT'S FAMILY.**

27 **(2) DURING THE TOUR REQUIRED UNDER PARAGRAPH (1) OF THIS**  
28 **SUBSECTION, A REPRESENTATIVE OF THE ASSISTED LIVING REFERRER AND A**  
29 **REPRESENTATIVE OF THE ASSISTED LIVING PROGRAM SHALL BE PRESENT.**

30 **[(c)] (D)** An assisted living referrer may not:

1           (1) Receive funding from the Department if the assisted living referrer is  
2 in violation of this subtitle; [or]

3           (2) Make referrals only to licensed assisted living programs from which the  
4 assisted living referrer receives compensation as described in subsection (a)(2) of this  
5 section; **OR**

6           **(3) REQUEST PAYMENT OF A REFERRAL FEE FROM AN ASSISTED**  
7 **LIVING PROGRAM MORE THAN 1 YEAR AFTER THE ASSISTED LIVING REFERRER**  
8 **PROVIDED THE REFERRAL.**

9           **[(d)] (E)** If requested by any person or on its own initiative, the Office of the  
10 Attorney General may investigate whether an assisted living referrer violated this subtitle  
11 and may seek appropriate relief.

12           **(F) THE OFFICE OF HEALTH CARE QUALITY SHALL MAINTAIN A**  
13 **USER-FRIENDLY DATABASE OF LICENSED ASSISTED LIVING PROGRAMS AND**  
14 **ENSURE THAT EACH ASSISTED LIVING REFERRER HAS ACCESS TO THE DATABASE.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2024.