



Maryland
DEPARTMENT OF HEALTH

Regulatory Oversight of the Assisted Living Industry

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Definition of an Assisted Living Program

- 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 these services to meet the needs of individuals who are unable to perform, or who need assistance in performing ADLs or IADLs, in a way that promotes optimum dignity and independence for the individuals.

Definition of an Assisted Living Program

- An "Assisted living program" does not include:
 - A nursing home, as defined under HGA §19-301;
 - A State facility, as defined under HGA §10-101;
 - A program licensed or approved by the Department under HGA, Title 7 or Title 10;
 - A hospice care program licensed by the Department under HGA, Title 19;
 - Services provided by family members;
 - Services provided by a licensed residential service agency or licensed home health agency in an individual's own home; or
 - A Certified Adult Residential Environment Program that is certified by the Department of Human Services under Article 88A, §140.

Levels of Care

- Level 1 – Low: A resident needing occasional assistance or support in one or more personal care or health related areas
- Level 2 – Medium: A resident needing great (substantial) assistance or support in one or more personal care or health related areas
- Level 3 – High: A resident needing extensive and frequent help to ensure that several personal or health related areas are maintained



OHCQ's Assisted Living Unit

- Responsible for the licensure and oversight of Maryland's assisted living programs, including those that participate in the Medicaid waiver program
- Complete licensure and associated surveys
- Complete administrative activities
- Investigate allegations of unlicensed assisted living programs
- Enforcement actions, informal appeals (informal dispute resolution conference), and formal appeals (hearing)

Licensure and Associated Surveys

- Licensure surveys
- Inspection of care every 15 months
- Change of ownership
- Change of the level of care
- Alzheimer's Special Care Unit
- Follow-up surveys

Administrative Activities

- Name change
- Bed increase
- Level of Care increase
- Revised Alzheimer's Disclosure Form for an existing unit
- Licensure Standards waiver
- Resident Specific waiver
- Change in assisted living manager, alternate assisted living manager, or delegating nurse
- Provide technical assistance

Alzheimer's Special Care Units

- [COMAR 10.07.14.30](#) requires that at the time of initial licensure, an assisted living program with an Alzheimer's special care unit (SCU) submit a written description of the unit to OHCQ
 - Detailed explanation of how the SCU care and treatment is specifically designed for the specialized care of individuals diagnosed with Alzheimer's disease or a related dementia
 - Shall disclose the written description of the SCU to any person on request and to the family or resident's representative before admission of the resident to the unit
 - Fees for the SCU must be included in the disclosure form

Included in the SCU Written Description

- Philosophy or mission
- Staff training and job titles
- Admission procedures and screening criteria
- Assessment and service planning protocol
- Staffing patterns
- Description of physical environment and unique design features
- Description of activities
- Discharge criteria and procedures

SCU Review Included in an Inspection of Care Survey

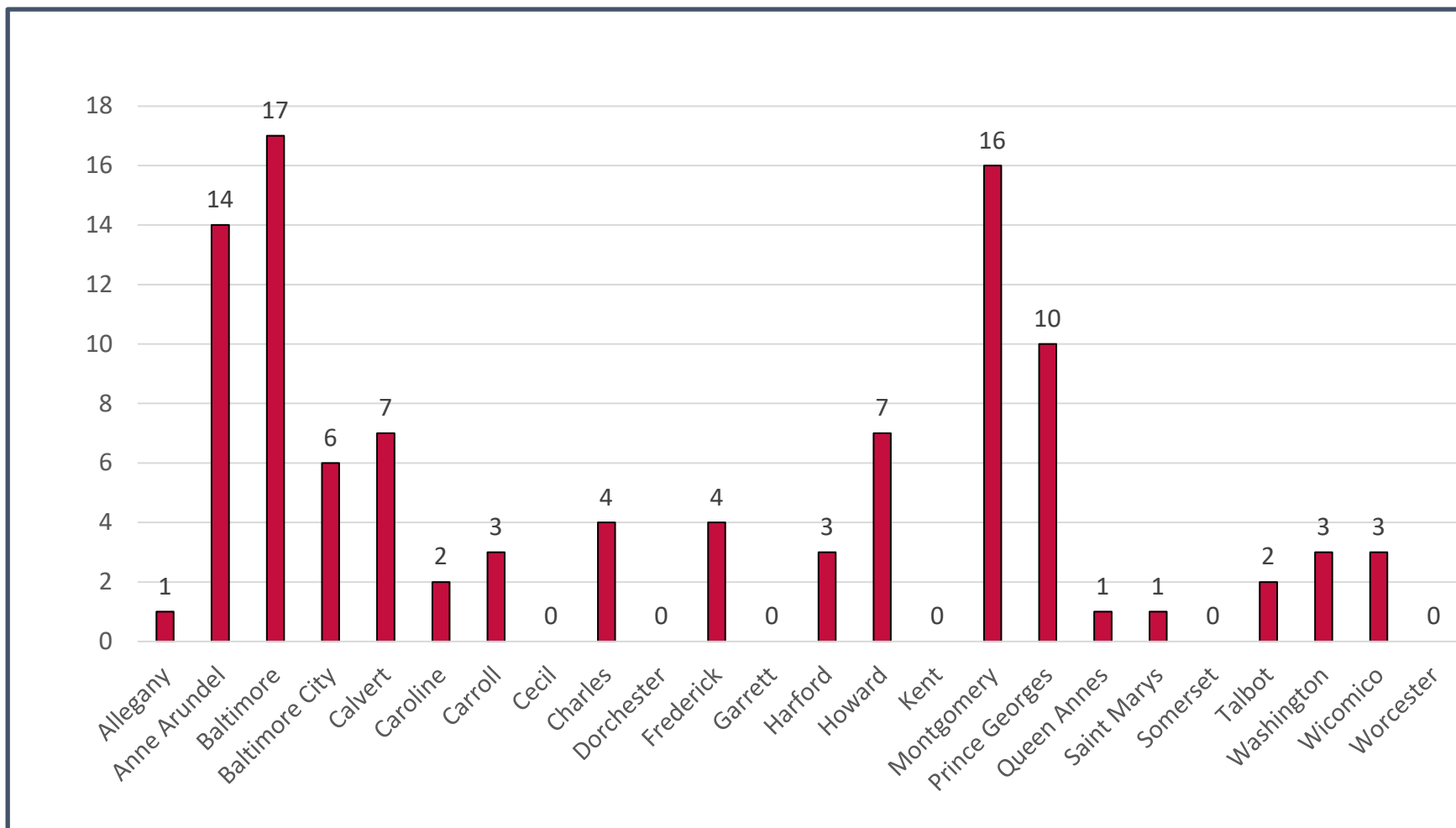
- Surveyor tours the special care unit and observes care
- Written description of unit changes must be submitted to OHCQ
 - Surveyor reviews any changes and follows up, as appropriate
- Deficiencies: Only one deficiency in FY 19 and one deficiency in FY 20 related to [COMAR 10.07.14.30](#)
- OHCQ shall restrict admission or close a special care unit if it determines that the facility has not demonstrated compliance with regulations or the health or safety of residents is at risk
 - OHCQ has not restricted admission or closed any special care units

SCU by Jurisdiction as of November 1, 2021

104 special care units with 4 - 76 SCU beds in assisted living programs with 4 - 238 total licensed beds

Jurisdictions with the most special care units:

- Baltimore
- Montgomery
- Anne Arundel



Complaints and Facility-Reported Incidents

- Investigate complaints and facility-reported incidents according to the triage priority
- Follow-up surveys

Allegations of Unlicensed Assisted Living Programs

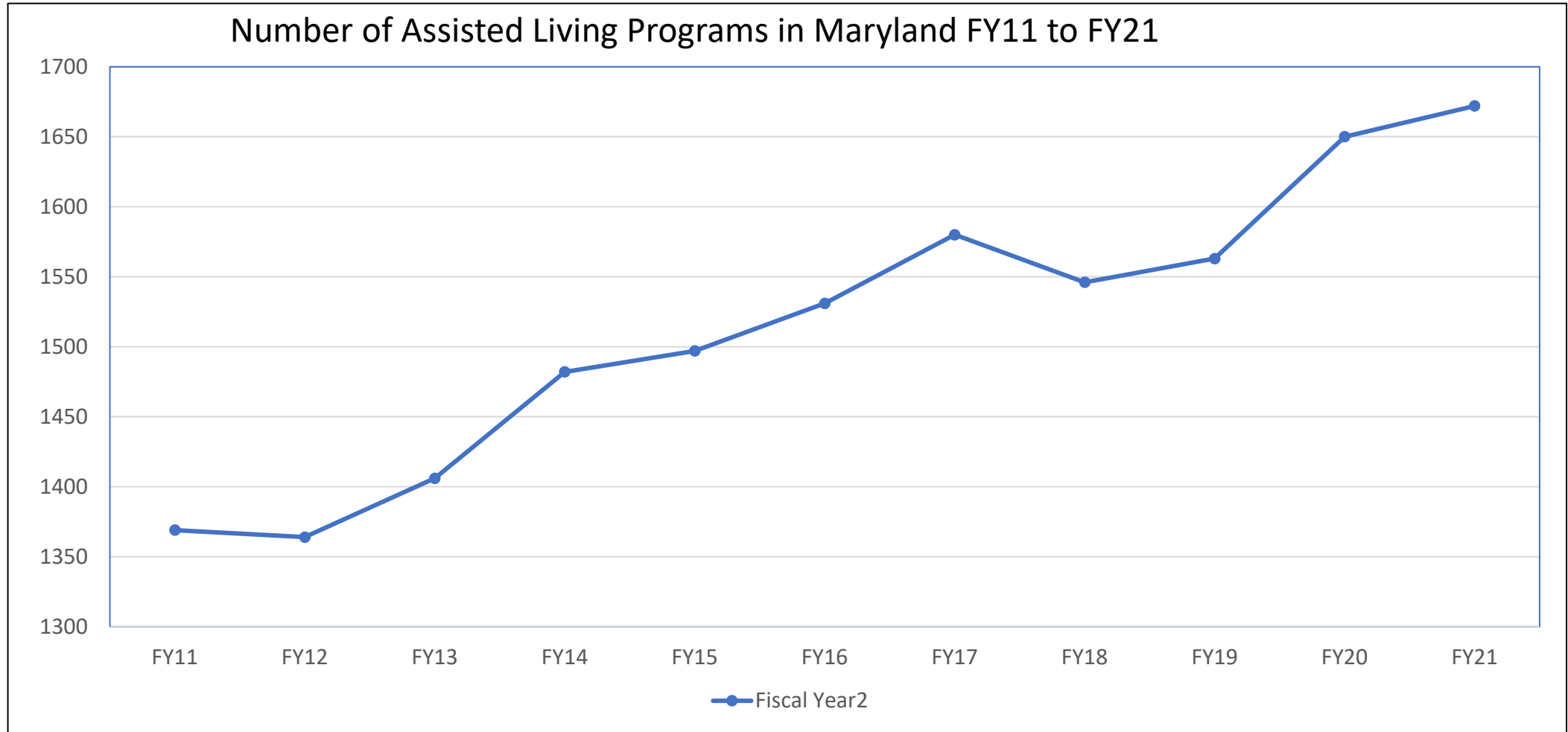
- Unlicensed Assisted Living: Not licensed, but provides housing and supportive services, supervision, personalized assistance, and/or health-related services to meet the needs of residents who are unable to perform or need assistance to perform ADLs
- Surveyor may monitor the site at various hours and days
- Surveyor may interview adult medical day care staff and review AMDC records
- Owner has 30 days to file an application or cease operation
- If non-compliant on repeat visit after 30 days
 - Felony violation notice
 - OHCQ imposes \$10,000 civil money penalty

Oversight of Assisted Living Referrers

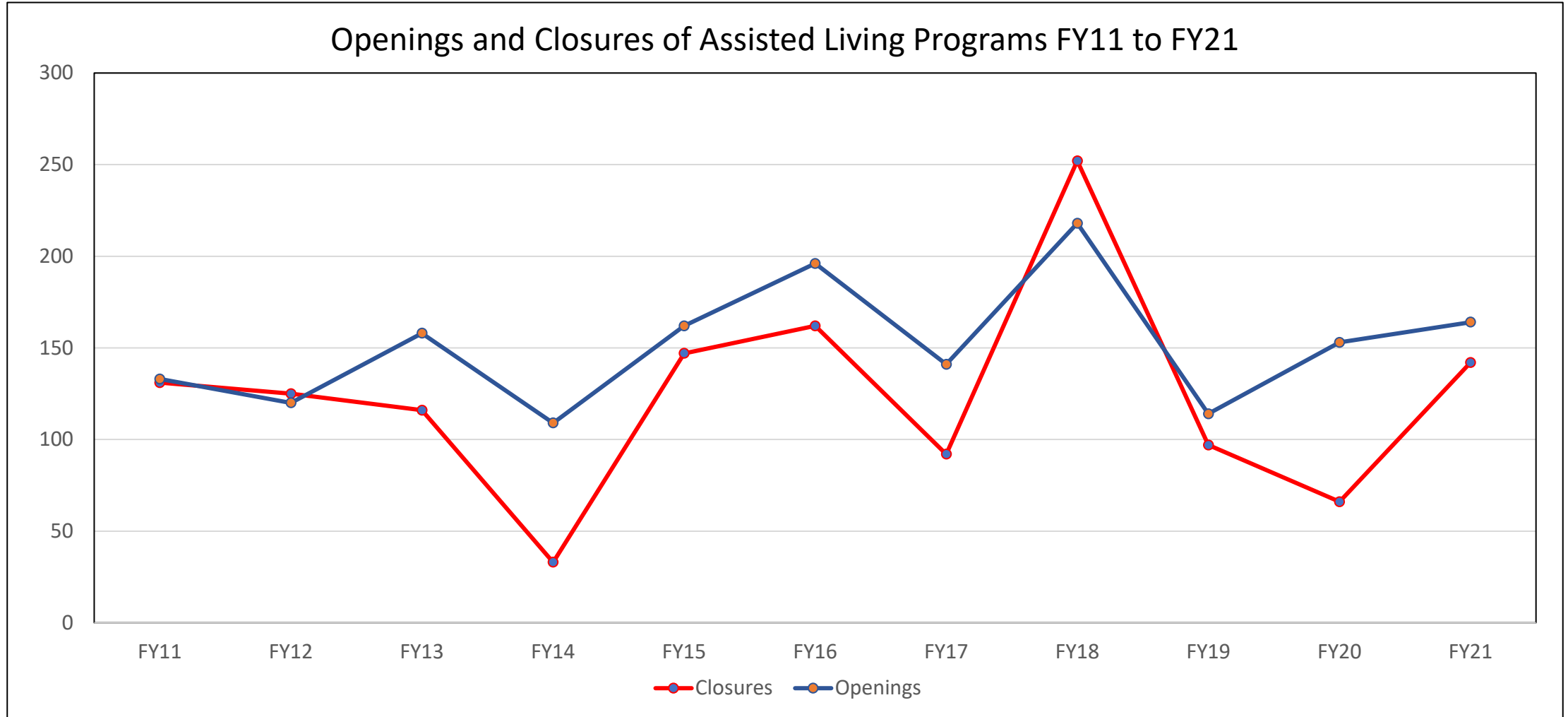
- An [assisted living referrer](#) is an individual or agency that:
 1. makes referrals to assisted living programs without cost to the person receiving the referral and
 2. is compensated by an assisted living program or other third party for referring individuals to a licensed assisted living program
- [Senate Bill 966](#) required all referrers to assisted living programs to register with OHCQ by October 1, 2020
- Directory is at [Licensee Directory](#)
- To date, there have been no complaints related to AL referrers
 - Office of the Attorney General investigates complaints

Assisted Living Programs

Number of Licensed Assisted Living Programs



Openings and Closures of Assisted Living Programs

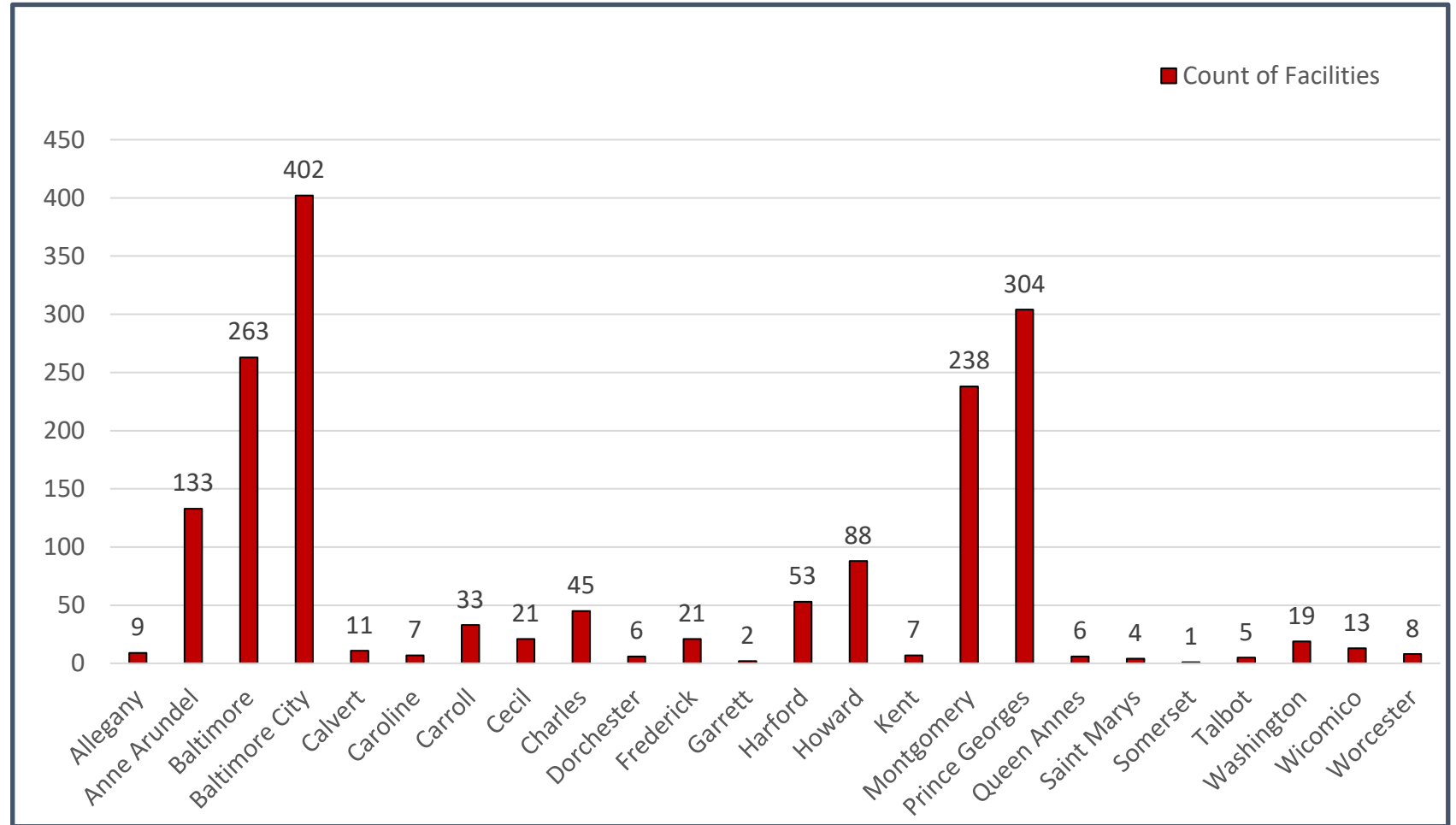


Maryland Licensed Assisted Living Programs

Total Number of Licensed Programs: 1,699

Jurisdictions with largest number of licensed programs:

- Baltimore City - 402
- Prince George's - 304
- Baltimore County - 263
- Montgomery - 238

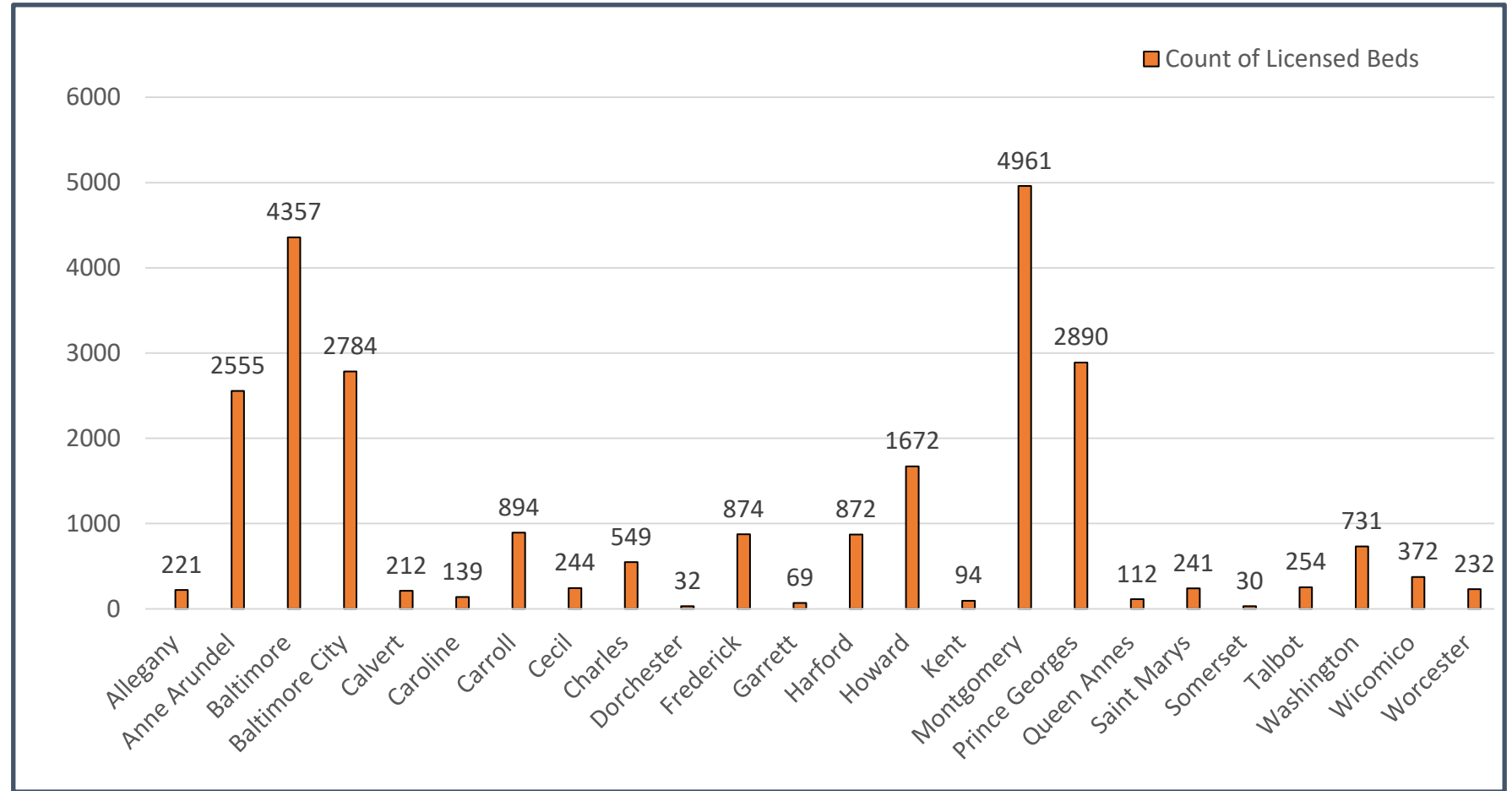


Assisted Living Programs - Licensed Beds

Total Number of Licensed Beds: 25,391 Beds

Jurisdictions with largest number of licensed programs:

- Montgomery - 4,961
- Baltimore - 4,357
- Prince George's - 2,890
- Baltimore City - 2,784
- Anne Arundel - 2,555

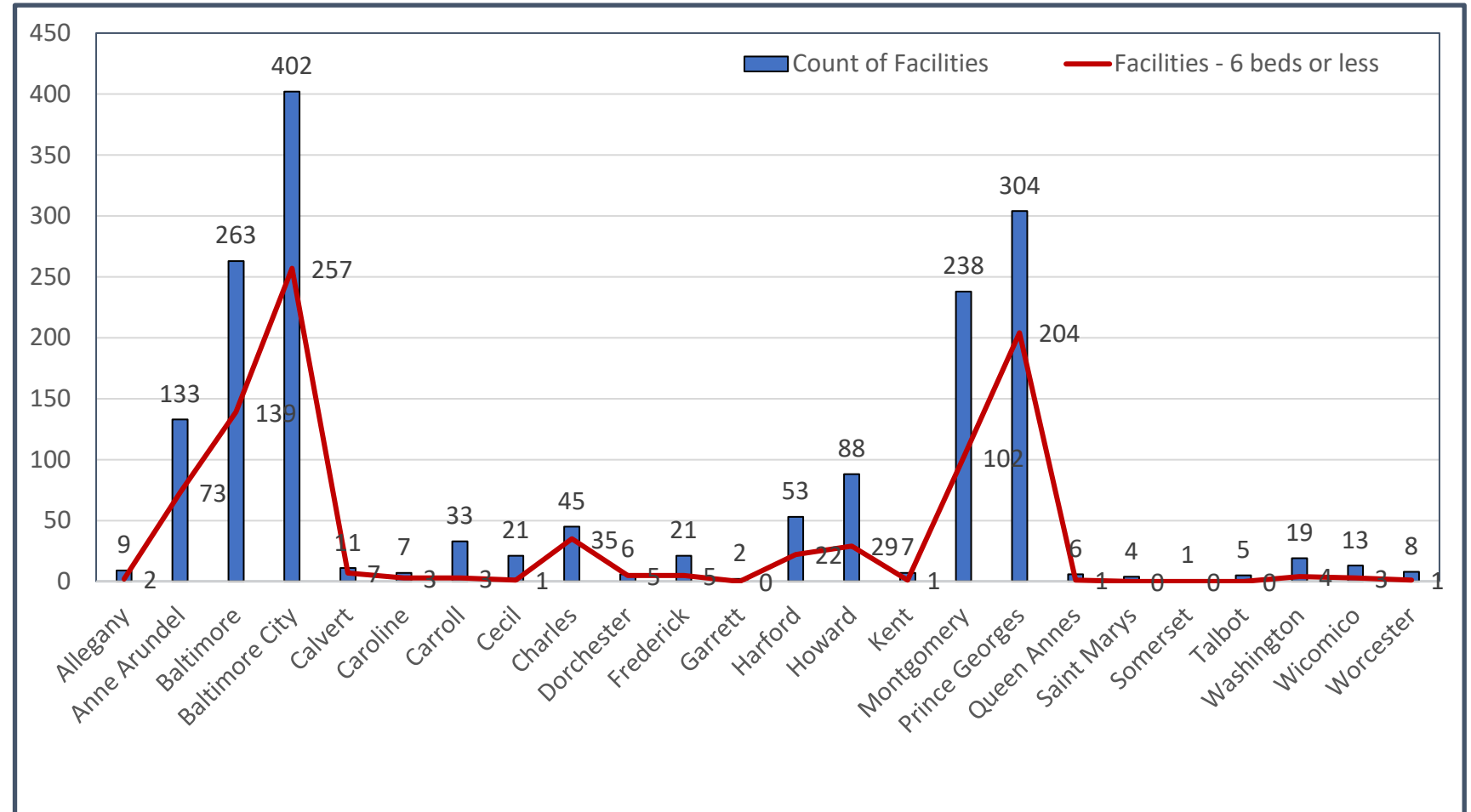


Assisted Living Programs - 6 or Less Licensed Beds

Total number of programs with 6 or less licensed beds: 897

Jurisdictions with largest number of licensed programs:

- Baltimore City - 257
- Prince George's - 204
- Baltimore - 139

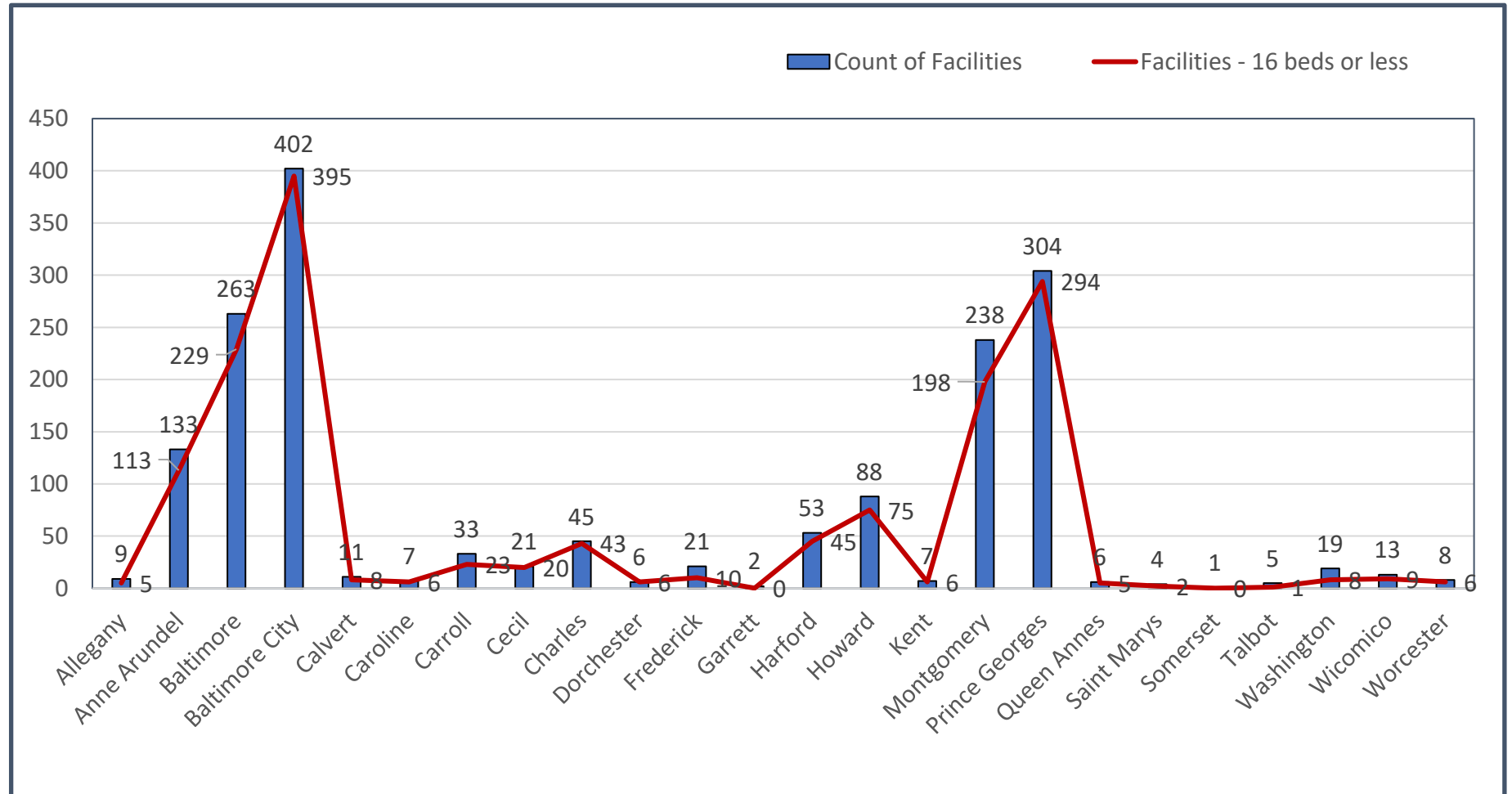


Assisted Living Programs - 16 or Less Licensed Beds

Total number of programs with 16 or less licensed beds: 1,507

Jurisdictions with largest number of licensed programs:

- Baltimore City - 395
- Prince George's - 294
- Baltimore - 229

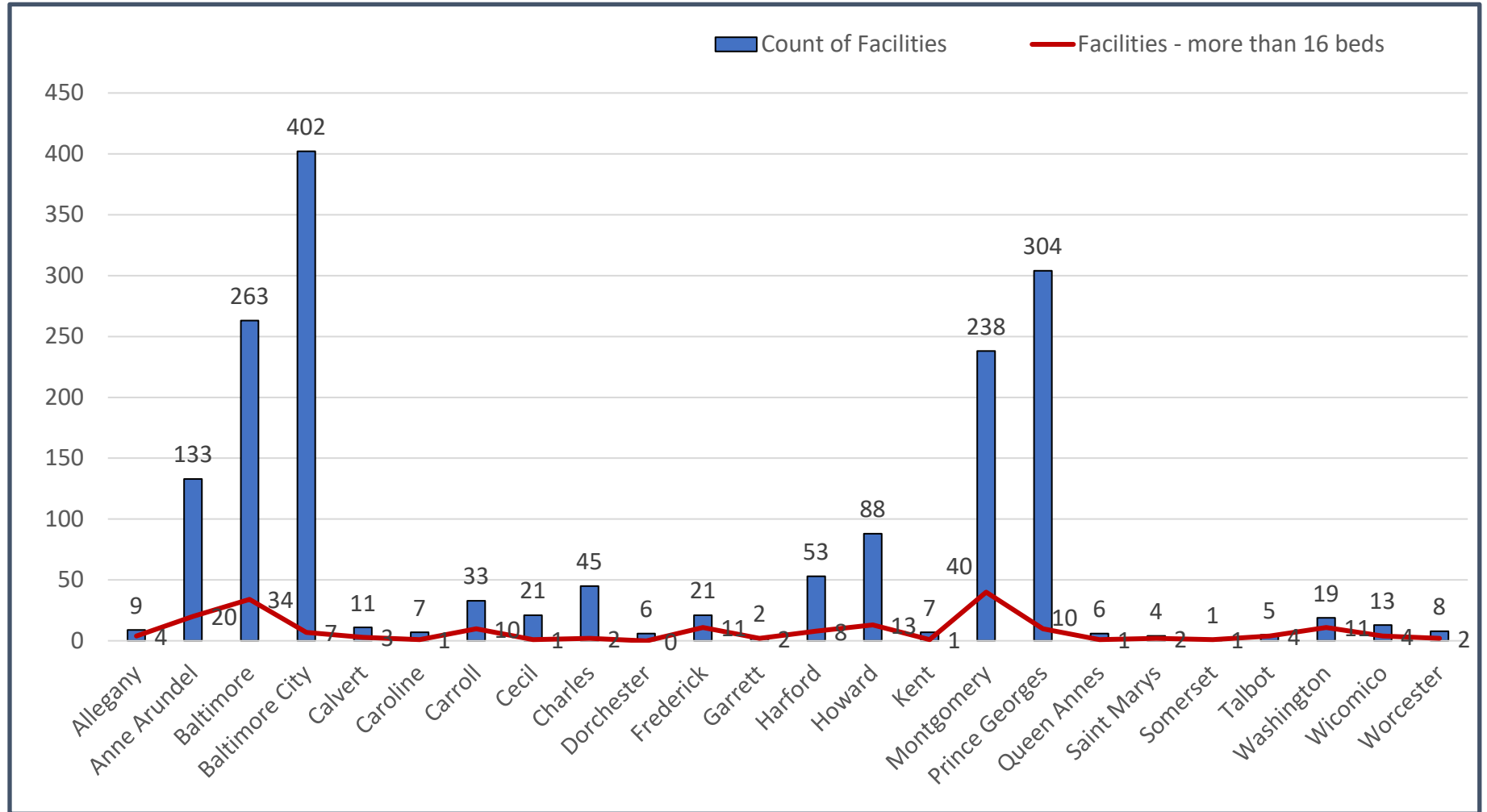


Assisted Living Programs - More than 16 Licensed Beds

Total number of programs with more than 16 licensed beds: 192

Jurisdictions with largest number of licensed programs:

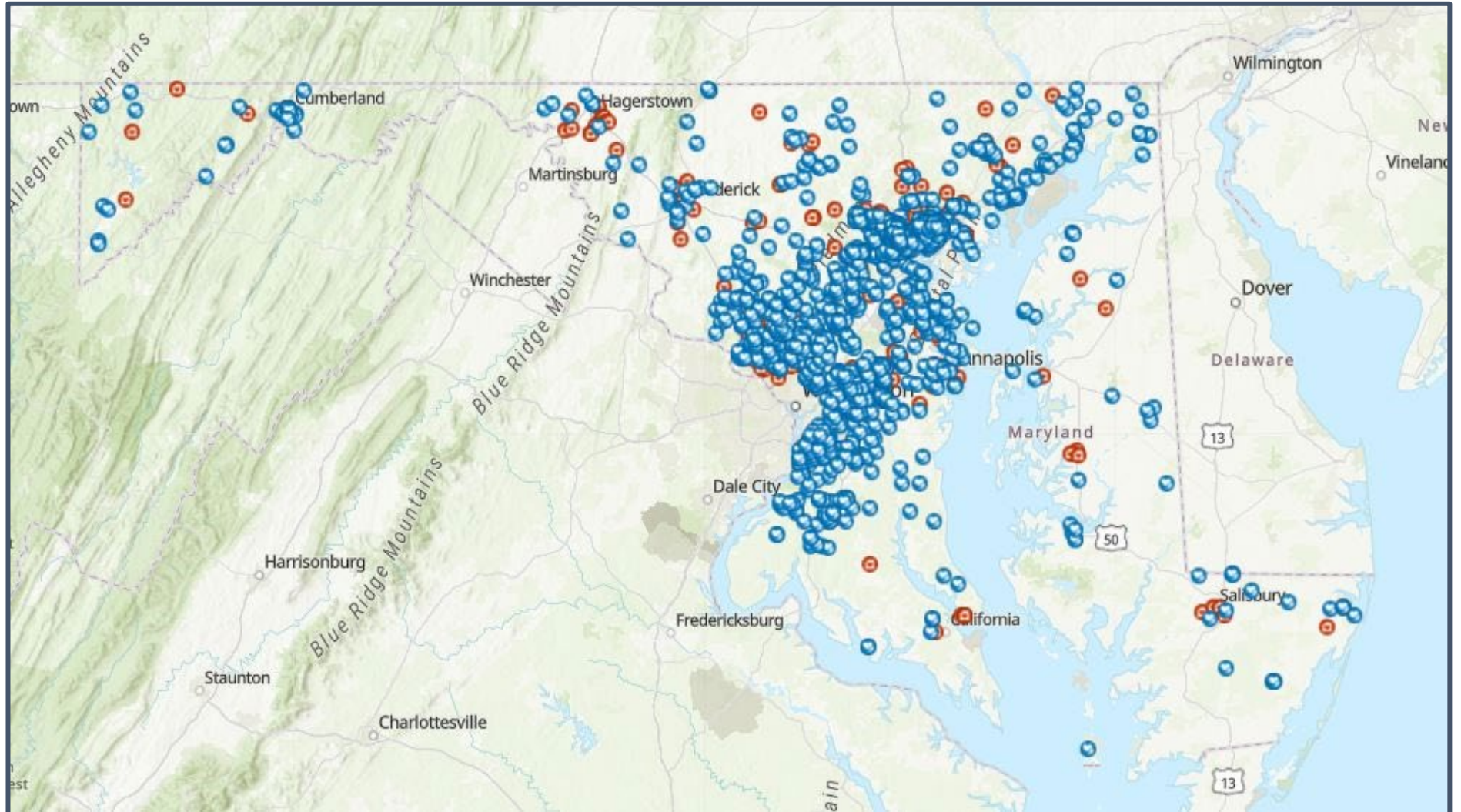
- Montgomery - 40
- Baltimore County - 34
- Anne Arundel - 20



Maryland Licensed Assisted Living Programs

● Programs with 16 beds or less

● Programs with more than 16 beds



Maryland Assisted Living Facilities Data

Jurisdiction	Count of Facilities	Count of Licensed Beds	Facilities - 6 Beds or Less	Facilities - 16 Beds or Less	Facilities - More than 16 Beds
Totals	1,699	25,391	897	1,507	192
Allegany	9	221	2	5	4
Anne Arundel	133	2,555	73	113	20
Baltimore	263	4,357	139	229	34
Baltimore City	402	2,784	257	395	7
Calvert	11	212	7	8	3
Caroline	7	139	3	6	1
Carroll	33	894	3	23	10
Cecil	21	244	1	20	1

Maryland Assisted Living Facilities Data

Jurisdiction	Count of Facilities	Count of Licensed Beds	Facilities - 6 Beds or Less	Facilities - 16 Beds or Less	Facilities - More than 16 Beds
Charles	45	549	35	43	2
Dorchester	6	32	5	6	0
Frederick	21	874	5	10	11
Garrett	2	69	0	0	2
Harford	53	872	22	45	8
Howard	88	1,672	29	75	13
Kent	7	94	1	6	1
Montgomery	238	4,961	102	198	40

Maryland Assisted Living Facilities Data

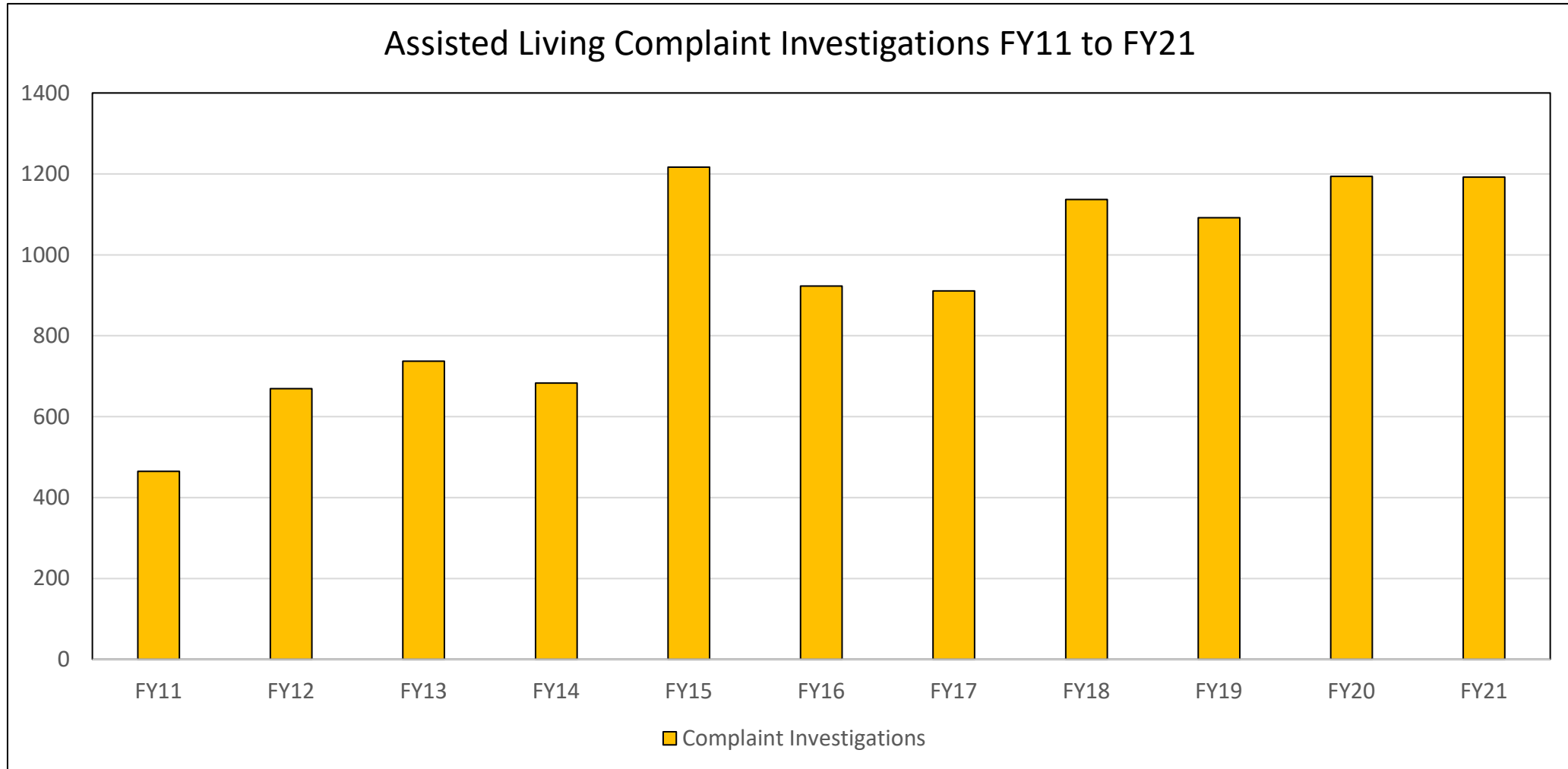
Jurisdiction	Count of Facilities	Count of Licensed Beds	Facilities - 6 Beds or Less	Facilities - 16 Beds or Less	Facilities - More than 16 Beds
Prince George's	304	2,890	204	294	10
Queen Annes	6	112	1	5	1
Saint Mary's	4	241	0	2	2
Somerset	1	30	0	0	1
Talbot	5	254	0	1	4
Washington	19	731	4	8	11
Wicomico	13	372	3	9	4
Worcester	8	232	1	6	2

Oversight of Assisted Living Programs

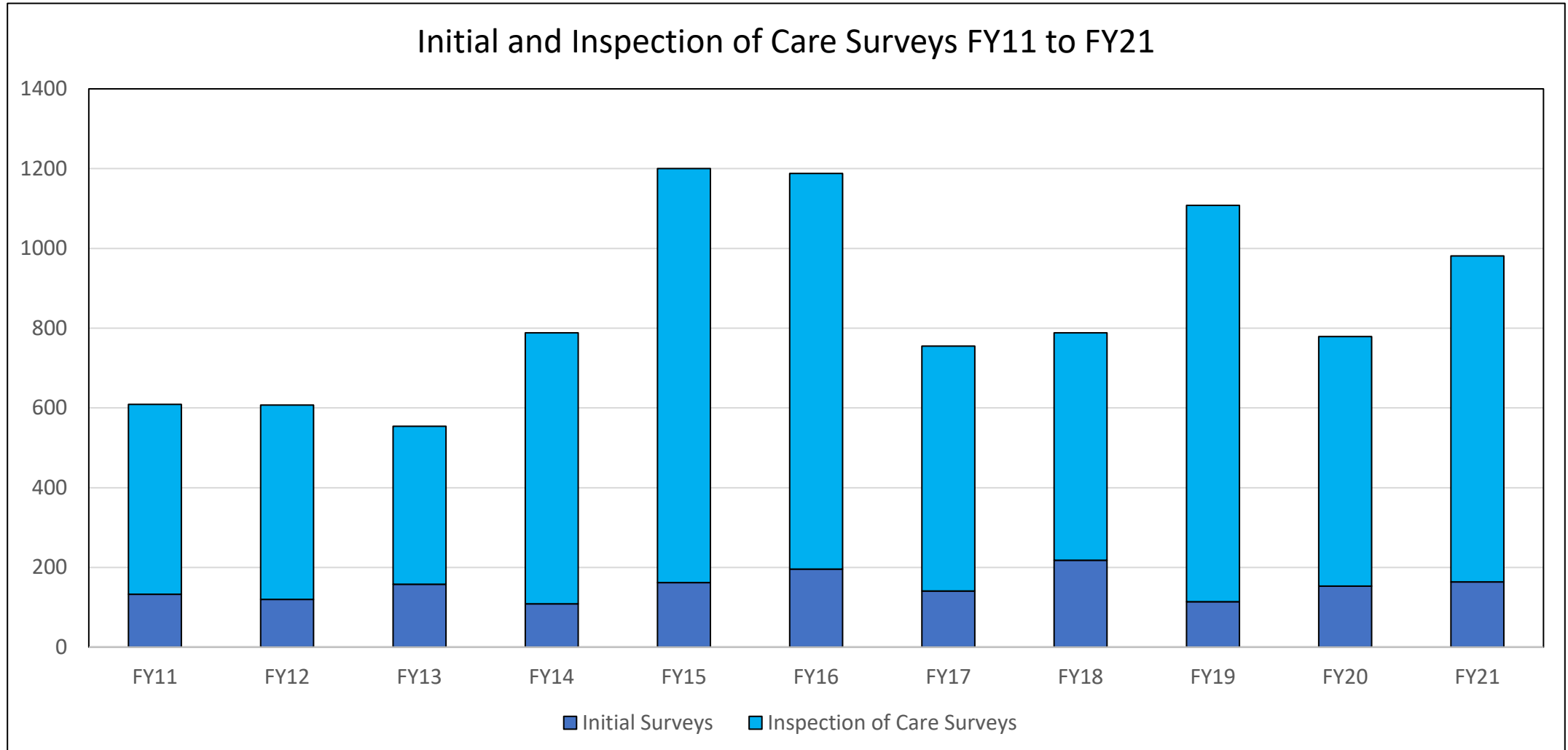
FY 11 – FY 21 Statistics

Units of Measurement	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Number of licensed assisted living programs	1,369	1,364	1,406	1,482	1,497	1,531	1,580	1,546	1,563	1,650	1,672
Renewal surveys	476	487	396	679	1,038	992	614	570	994	626	817
Initial surveys	133	120	158	109	162	196	141	218	114	153	164
Closures of assisted living programs	131	125	116	33	147	162	92	252	97	66	142
Other surveys	452	190	135	62	156	204	44	64	71	85	100
Complaints investigated	465	669	737	683	1,217	923	911	1,137	1,092	1,194	1,192

Complaint Investigations



Full Surveys



Most Frequently Cited Deficiencies in AL in FY 21

State Tag	Description of Tag	Number of Citations
2600	Other Staff Qualifications	170
2550	Other Staff Qualifications	147
2780	Delegating Nurse	146
4910	Emergency Preparedness	145
4900	Emergency Preparedness	142
3330	Service Plan	141
4630	General Physical Plant Requirements	138
3680	Medication Management and Administration	135
2000	Administration	102
2220	Assisted Living Manager	99
1440	Licensing Procedure	97
3960	Resident's Rights	96
3380	Service Plan	89
3420	Resident Record or Log	85
2560	Other Staff Qualifications	79
2730	Other Staff Qualifications	76
2530	Alternate Assisted Living Manager	75
2280	Assisted Living Manager	74
3790	Incident Reports	74
4750	Emergency Preparedness	73

Increasing in Citation Frequency

- Emergency Preparedness – Tag 4900
 - Increased during COVID when more emphasis was placed on this area
- Other Staff Qualifications – Tag 2600
 - Increasing since SFY16 and was the most frequently cited deficiency in SFY21
- Other Staff Qualifications – Tag 2550
 - Increased since SFY16 and was the second most frequently cited deficiency in SFY21

Decreasing in Citation Frequency

- Medication Management and Administration – Tag 3680
 - In SFY16 and SFY17, this was 1st, but it is now 8th
- Service Plan – Tag 3330
 - In SFY16 and SFY17, this was 3rd, but it is now 6th
- General Physical Plant Requirements – Tag 4630
 - In SFY19, SFY20, and SFY20, it was 1st, but it is now 7th
- Alternate Assisted Living Manager – Tag 2530
 - Decreased citations over time, but it is now 10th
- Note – during the COVID pandemic, an emphasis was placed on infection control and emergency preparedness, which may have lowered the frequency of the above tags

Remaining Steady in Citation Frequency

- Delegating Nurse - Tag 2780
 - Remains 2nd or 3rd most frequently cited deficiency
- Emergency Preparedness (disaster drills) - Tag 4910
 - Remains the 4th or 5th most frequently cited deficiency
- Administration – Tag 2000
 - Remains 8th or 9th most frequently cited deficiency
- Assisted Living Manager – Tag 2220
 - Remains the 9th or 10th most frequently cited deficiency

Paying for Assisted Living

Annual Median Costs in 2020 – National and Maryland

Annual Median Costs: *National* (2020)

In-Home Care ⓘ		Community and Assisted Living ⓘ		Nursing Home Facility ⓘ	
Homemaker Services¹	\$53,768	Adult Day Health Care³	\$19,240	Semi-Private Room⁵	\$93,075
Change Since 2019 ²	4.44%	Change Since 2019 ²	-1.33%	Change Since 2019 ²	3.24%
Home Health Aide¹	\$54,912	Assisted Living Facility⁴	\$51,600	Private Room⁵	\$105,850
Change Since 2019 ²	4.35%	Change Since 2019 ²	6.15%	Change Since 2019 ²	3.57%

Annual Median Costs: *Maryland - State*[ⓘ] (2020)

In-Home Care ⓘ		Community and Assisted Living ⓘ		Nursing Home Facility ⓘ	
Homemaker Services¹	\$54,912	Adult Day Health Care³	\$22,100	Semi-Private Room⁵	\$122,275
Change Since 2019 ²	2.13%	Change Since 2019 ²	3.76%	Change Since 2019 ²	5.35%
Home Health Aide¹	\$57,200	Assisted Living Facility⁴	\$60,000	Private Room⁵	\$127,750
Change Since 2019 ²	4.17%	Change Since 2019 ²	16.28%	Change Since 2019 ²	6.38%

<https://www.genworth.com/aging-and-you/finances/cost-of-care.html>

Median Costs Across Maryland

	In-Home Care		Community and Assisted Living		Nursing Home	
Monthly Median Costs 2020	Homemaker Services	Home Health Aide	Adult Day Health Care	Assisted Living Facility	Semi-Private Room	Private Room
National	4,481	4,576	1,603	4,300	7,756	8,821
California Area, MD	4,481	4,957	1,798	6,200	8,137	8,456
Cumberland, MD	4,767	4,767	2,167	4,665	8,213	8,517
Hagerstown, MD	4,576	4,576	2,134	4,500	9,794	10,342
Salisbury, MD	4,528	4,576	2,167	5,500	10,768	12,288
Baltimore, MD	4,671	4,957	1,896	5,000	11,984	12,805

Health Care Quality Account Grant Program

Health Care Quality Account Grant Program

- Funds collected from civil money penalties that OHCQ imposes on assisted living programs
- Support activities that improve the quality of life of individuals who reside in assisted living programs
- Non-lapsing special fund: State assisted living account
 - Maintain a balance of \$50,000 for emergencies
- Applications are accepted throughout the year
- Grants are awarded on a rolling basis, contingent on funding

Contact Information

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