



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Meena Seshamani, M.D., Ph.D., Secretary

Transmittal

To: Adult Medical Day Care Centers
Assisted Living Providers
Assisted Living Referrers
Home Health Agencies
Residential Service Agencies

From: Tia Witherspoon, Executive Director
Office of Health Care Quality

Subject: Discharge Planning Requirements and Reporting

Date: March 24, 2026

The Office of Health Care Quality (OHCQ) is reissuing guidance concerning the discharge and placement of vulnerable adults who require ongoing assistance with activities of daily living (ADLs). When a patient's or resident's care requires discharge to an assisted living program (ALP), hospitals and nursing homes must verify that the receiving ALP is licensed before discharge occurs. This transmittal supersedes the guidance issued on January 5, 2011, and serves as a reminder to Adult Medical Day Care Centers, Assisted Living Providers, Assisted Living Referrers, Home Health Agencies, and Residential Service Agencies of their obligation to ensure safe and appropriate admissions consistent with applicable Maryland laws and federal regulations.

Hospitals

Md. Code Ann Health-Gen Art. [§19-308.8](#) requires hospitals to assess a patient's discharge needs, plan for discharge or transfer, facilitate the discharge or transfer process, provide written discharge instructions, and assist in maintaining the patient's continuity of care, treatment, and services. The regulation pertaining to discharge planning requirements is [COMAR 10.07.01.27](#). These requirements include that the hospital shall “*Arrange or help to arrange for services needed to meet the patient's needs after discharge.*” See [COMAR 10.07.01.27C\(4\)](#). Hospital discharge planners must verify that any selected post-acute facility is appropriately licensed to provide the services identified in the patient's discharge plan. Hospitals which are certified for CMS are also required to abide by the federal regulations regarding discharge under [42 C.F.R. § 482.43](#) (a) and (b).

Nursing Homes

OHCQ reminds nursing home discharge/transfer planners and social workers of [COMAR 10.07.02.11G\(1\)](#) and the requirement to *verify that the transfer and discharge is to a licensed assisted living facility and appropriate to meet the needs of the resident* prior to placing the individual, should they require any of these services.

Home Health Care

OHCQ recognizes that some discharges from hospitals or nursing homes are planned as discharge to home with home health services. OHCQ licenses two home health provider categories: Home Health Agencies (HHAs) and Residential Service Agencies (RSAs). Because discharge planners must arrange or help to arrange post-discharge services, discharge planners should verify that any selected HHA or RSA is appropriately licensed to provide the services identified in the patient's discharge plan.

Assisted Living Referrers

Hospitals and other providers may use [Assisted Living Referrers](#), which are individuals or agencies that: (1) make referrals to Assisted Living Programs (ALPs) without cost to the person receiving the referral; and (2) are compensated by ALPs or other third parties for referring individuals to licensed ALPs. Health-General [§19-1813](#) requires all referrers to ALPs to register with OHCQ.

Licensee Directory

The OHCQ licensee directories for all provider types can be found on the OHCQ's [Quick Links Licensee Directory web page](#) and may be used to verify a Maryland license.

Reporting Suspected Unlicensed Assisted Living Placement

Individuals who require ongoing supervision or 24/7 assistance following discharge from a hospital or nursing home may be at increased risk for inappropriate placement, including settings that may be operating as unlicensed ALPs. When determining if a facility is operating as an unlicensed ALP, OHCQ inquires if *they are a residential or facility-based, serving two or more residents, and offering a combination of services, including housing, supportive services, supervision, personalized assistance, and health-related services, that are provided to individuals who are unable to perform, or who need assistance in performing ADLs, and that does not have a license.*

Adult Medical Day Care (AMDC) centers and nursing home staff may become aware of individuals returning to settings of concern or appearing dependent on others for care in such settings. In these instances, please report all available details to OHCQ by [using this link](#) or calling (410) 402-8018. Reports and complaints may be made anonymously. Failure to comply with applicable discharge planning and transfer requirements subjects hospitals and nursing homes to enforcement action, including civil money penalties, as authorized by Maryland law and regulation.

Contact OHCQ

If you have technical questions regarding Assisted Living Referrers, Assisted Living Programs, or AMDC, please contact Temitope Okpebho, Acting Deputy Director of State Programs, at OHCQ.ALRegs@maryland.gov.

If you have concerns regarding services provided through home care or RSAs, please contact Oksana Likhova, Deputy Director of Federal Programs, at OHCQ.RSA@maryland.gov.

Your attention to this important matter is greatly appreciated. Thank you.

CC:

Board of Long Term Care Administrators
LifeSpan Network
Leading Age
Maryland Department of Aging
Maryland Department of Housing and Community Development
Maryland Department of Human Services - Adult Protective Services
Maryland Department of Social and Economic Mobility
Maryland Health Care Commission
Maryland Hospital Association
Maryland Long-Term Care Ombudsman Program
Maryland Medicaid - Long Term Services and Supports
Maryland-National Capital Homecare Association
Office of the Attorney General