



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

Office of Health Care Quality

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Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

TRANSMITTAL/ADVISORY

TO: Maryland Hospitals – Discharge Planners
Maryland Adult Day Care Centers

FROM: Wendy Kronmiller, Director
Office of Health Care Quality

SUBJECT: Unlicensed Assisted Living Programs

DATE: June 10, 2008

We are continuing to find vulnerable adults, who are clearly in need of assisted living services, in unlicensed and unsafe group homes. At times, the person has been discharged to such a site by a Maryland hospital. I'm issuing this transmittal to remind staff and leadership at Maryland hospitals that it is the hospital's responsibility under State law to assess a patient's discharge needs, plan for discharge or transfer, facilitate the discharge process, provide written discharge instructions, and help to ensure that quality of care, treatment, and services are maintained. (Md. Code Ann Health-Gen Art. §19-308.8). Therefore, the Office of Health Care Quality (OHCQ) encourages discharge/transfer planners to verify the licensure status of any assisted living or group home if a consumer requires assisted living services. A list of licensed facilities may be accessed on the OHCQ web site (<http://www.dhmh.md.gov/ohcq>). A hospital failing to comply with Maryland law governing discharge may be subject to a civil money penalty.

To clarify, an assisted living program is defined in regulation as 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 residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living, in a way that promotes optimum dignity and independence for the residents." COMAR 10.07.14.02. Services provided by a licensed residential service agency or home health agency in a resident's own home are not required to be licensed as assisted living, nor are services provided by family members.¹

The OHCQ is aware that hospitals and other providers may use "placement agencies" to assist them in identifying alternatives for individuals who cannot return to their home or may be homeless. Placement agencies are not required to be licensed and are not regulated. We are aware of instances where placement agencies have solicited services for assisted living facilities or group home providers that are not licensed. Hospitals, while having the duty to provide for appropriate discharge and transfer

¹ See other exemptions at COMAR 10.07.14.02(B)(10)

planning, may be falsely told by these agencies that the facilities they represent are licensed and may even provide information brochures indicating such. We have also learned of occasions where group home providers have presented hospitals with false or altered assisted living licenses. The above listed website should be used to verify license information.

Adult day care center staff may also become aware of participants who go home to unlicensed assisted living sites after attending the adult day care program. A resident who is independent and does not require assistance with activities of daily living does not need to live in a licensed home. However, most people who require adult day care services during the day will not be able to live safely without supports when they go home. Adult day care providers should inform OHCQ when they become aware of unlicensed sites serving individuals needing assisted living services.

I would like to also thank those concerned professionals from hospitals, nursing homes and adult day care facilities who have, over the years, called our offices to let us know about unlicensed homes and poor care in licensed and unlicensed assisted living sites. Recent findings at unlicensed sites have included residents left alone for long periods of time, a resident identified with 17 pressure ulcers, residents not receiving medications or management of diabetes, and misspending of resident funds. We are partners in this effort to provide a basic safety net of care for vulnerable people we all serve. You may file a complaint about an assisted living provider through the OHCQ website, or by calling 410/402-8200. If you have any questions regarding placement agencies or assisted living providers, please do not hesitate to contact Lester Brown, Assisted Living and Adult Day Care Program Manager, at 410/402-8180. Thank you very much for your attention to this important matter.

cc: DHR/Adult Protective Services
Ombudsman Program
Maryland Hospital Association
Alzheimer's Association
Maryland Association of Adult Day Services
Lifespan
HFAM
Maryland Medicaid
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