

4160 PATTERSON AVENUE – BALTIMORE, MARYLAND 21215
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Small Assisted Living Programs Workgroup
MEETING SUMMARY

Monday, December 5, 2022
12:00p.m. -2:00 p.m.

Recording Link: <https://youtu.be/PTMePvM-Zao>

Attendees

In-person

Courtney Barno
Stevanne Ellis
Stacy Howes
Sametria McCammon
Ben Steffen

Virtual

Alex Baldi
Eileen Bennett
Marcia Boyle
Tammy Bresnahan
Nenellia Bronson
Eric Colchamiro
Linda Cole
Carol Clemmens
Tracey DeShields
Carol Fenderson

Ruthie Fishman
Debbie Gallagher
Aaron Greenfield
Monica James
Danna Kauffman
Latoya Kess
Theressa Lee
Kenneth Lemberg
Scott Maucione
Tricia Nay
Paul Parker
Lasheba Pena
Kendra Queen
Ryan Shupp
Fannie Sumter
Rebecca Swain-Eng
Lisa Toland
Catherine Victorine

Welcome and Introductions: 12:00 p.m.

Stacy Howes, Chief of Long-Term Care and Health Plan Initiatives at the Maryland Health Care Commission, opened the meeting and conducted introductions.

Presentation: Regulation and Oversight of Assisted Living Services in Maryland: 12:05 p.m. -1:00 p.m.

Stacy Howes introduced Dr. Tricia Nay, Executive Director of the Office of Health Care Quality (OHCQ). Dr. Nay provided a comprehensive presentation on the regulation and oversight of assisted living facilities in Maryland. She began her presentation by defining assisted living programs and describing the levels of care (i.e., I, II, and III). She also informed the group that most assisted living facilities in Maryland are level II or III.

Dr. Nay then shared the role of the OHCQ in managing assisted living facilities (e.g., licensure and oversight, surveying, allegation investigation, and administrative activities). She informed the group of Senate Bill 966, which requires all assisted living referrers to be registered with OHCQ effective October 1, 2020.

Dr. Nay also provided an overview of licensed assisted living facilities by jurisdiction, bed size, and openings and closures in a fiscal year. Nearly all assisted living facilities in Baltimore City and Prince George's County have 16 or fewer beds. She also mentioned stratifying mandatory reporting of assisted living facilities by bed size (i.e., six or less and 16 beds or more) would be optimal because these categories align with many fire, safety, and other regulatory requirements.

Dr. Nay then discussed the state of assisted living facility oversight in Maryland. She shared the number of complaints by fiscal year, the number of initial and failed surveys by calendar year, and the top complaints and citations for assisted living facilities. Dr. Nay highlighted the citations that have increased and decreased over time. Those that increased were emergency preparedness- tag 4900, other staff qualifications- tag 2600, and tag 2550. Those that decreased were medication management and administration- tag 3680, service plan- tag 3330, general physical plant requirements- tag 4630, and alternate assisted living manager- tag 2530.

Dr. Nay concluded her presentation by sharing statistics about the cost of assisted living compared to other facility types in the state and nationally. She also informed the group of the Health Care Quality Account Grant program, which supports activities that improve individuals' quality of life in assisted living programs.

An extensive question-and-answer period ensued. Topics discussed included: the number of complaints proportional to bed size, regulations for Alzheimer's and dementia units by bed size, the difference between an Alzheimer special care unit and memory care service, OHCQ staff to assisted living facility ratio, tracking entry and exit of assisted living in the market, OHCQ capacity to accommodate additional regulations, and the availability of fire and safety standard rules for each jurisdiction in a central location.

Presentation: The Role of the Ombudsman Program in Monitoring Assisted Living Performance: 1:00 p.m.-1:35 p.m.

Stacy Howes introduced Stevanne Ellis, State Long-Term Care Ombudsman at the Maryland Department of Aging. Ms. Ellis started her presentation by defining an ombudsman, including the origin of the name, its purpose, and its structure. She described how this federal program uniquely focuses on consumer satisfaction instead of regulatory requirements. Ms. Ellis also shared that the training requirements for staff and volunteers are equal, lasting from six months to a year.

In Maryland, the ombudsman program received 3,211 complaints in fiscal year 2021. Of these, 3,120 were regarding nursing homes, and 591 were regarding assisted living facilities. The top complaints were care, autonomy or choice, rights, admissions, transfer, discharge, eviction, abuse, neglect and exploitations, access to information, facility policies, procedures, practices, and environmental and financial property.

Ms. Ellis concluded her presentation by sharing things for the group to consider. Considerations include but are not limited to providing details to the public on staff at assisted living facilities, aggregate resident data (e.g., demographic), advice on choosing, selecting, and funding assisted living care, licensure, and issues with unlicensed facilities in Maryland.

During the question-and-answer period, the following topics were discussed: a breakdown of complaints by bed size, and the availability of financial data.

Presentation: Paying for Assisted Living Services: 1:35 p.m.-2:05 p.m.

Courtney Barno, Health Policy Analyst III at the Maryland Department of Health, did several presentations on the financing of assisted living for Medicaid waiver participants. She shared information on provider enrollment procedures, documents for submitting claims, and reimbursement. Ms. Barno also shared compliance requirements (e.g., 24/7 visiting hours, physically accessible building, lock and key for bedroom doors, choice of a roommate, and 24 hours access to snacks). Ms. Barno concluded her presentations by discussing reportable events and the process of becoming re-compliant.

Topics discussed during the question-and-answer period included: the potential financial barrier of the \$400 per month minimum contribution for enrollees, number of providers by facility size, maximum participant enrollments in Maryland, and how to proceed if there is a difference in the state's requirement for meals and snacks versus Medicaid's requirements and triaging reportable events.

Next Steps: 2:05 p.m.-2:10 p.m.

Stacy Howes reminded the group that the next meeting is on January 23, 2023. Ms. Howes said the presentations would be available on the workgroup webpage shortly.

Ben Steffen, Executive Director at MHCC, also thanked participants and presenters for their time and contribution to the discussion.