

MARYLAND DEPARTMENT OF HEALTH AND MENTAL HYGIENE -
OFFICE OF HEALTH CARE QUALITY

Assisted Living Forum
Wednesday, May 12, 2004 – 9:30 AM to 11:30 AM
Spring Grove Hospital Center – Dix Building
1st Floor Conference Room
Catonsville, Maryland

M E E T I N G N O T E S

Individuals in Attendance

- 1) Karen Acton, Sunrise Senior Living
- 2) Denise Adams, Maryland Department of Aging
- 3) Dorinda Adams, Department Human Resources
- 4) Paul Ballard, Office of the Attorney General
- 5) Marcia Bauer, Peartree House
- 6) Mike Banscher, Anne Arundel County
- 7) Carol Benner, Office of Health Care Quality
- 8) Fran Blacker, Golden Age Retirement
- 9) Kim Burton, Mental Health Association of Maryland
- 10) Dennis Byrne, Small Assisted Living Alliance
- 11) Debra Campbell, Montgomery County
- 12) Lauren Carbo, Tranquility Assisted Living
- 13) Carol Carnett, Legal Aid Bureau
- 14) Linda Cofiell, ALC
- 15) Linda Day, Baltimore County
- 16) Rosemary Desmond, Assisted Living Centers
- 17) Yvette Dixon, Office of Health Care Quality
- 18) Beverly Dolby, Upper Shore Aging
- 19) William Dorrill, Office of Health Care Quality
- 20) Michele Douglas, Alzheimer's Association
- 21) Sister Irene Dunn, Victory Housing, Inc.
- 22) Ann Christine Frankowski, UMBC Center for Aging Studies
- 23) Mary Ann Friss, Prince George's County
- 24) Bonnie Gatton, Delegating Nurse
- 25) Marcy Goge, Baltimore City
- 26) Marian Greenway, Evergreen Assisted Living
- 27) Mayer Handelman, Catered Living and Ocean Pines
- 28) Shirl Hirshauer, Cache House
- 29) Marie Ickrath, BMHS
- 30) Danna Kauffman, Mid-Atlantic LifeSpan
- 31) Karin Lakin, Senior Network, Inc.
- 32) Linda Leimbach, Peartree House
- 33) John Lessner, Law Firm of Ober, Kaler, Grimes, and Shriver
- 34) Stephanie Lyon, Alzheimer's Association
- 35) Shelia Mackertich, Health Facilities Association of Maryland
- 36) Moni Mahuoudi, Golden Years, Inc.
- 37) Wesley Malin, Hillhaven and HFAM
- 38) Katherine Mansberger, Baltimore County
- 39) Susan Masters, Autumn Meadows
- 40) Susanne Matthiesen, Commission on the Accreditation of Rehabilitation Facilities
- 41) Kimberly Mayer, Office of Health Care Quality
- 42) Tom Maxwell, Anne Arundel County
- 43) Melissa Medick, Anne Arundel County
- 44) Robert Molder, Anne Arundel County
- 45) Barbara Newman, MD Board of Nursing
- 46) Teddy Ngozika, Potomac-Columbia SI
- 47) Leanne Purvis, Summerville Senior Living
- 48) Cathy Putz, Maryland Board of Pharmacy
- 49) Susan Quast, Montgomery County
- 50) Cheryl Reddick, OHCQ
- 51) Valerie Richardson, OHCQ
- 52) Bruce Raffle, Catered Living Group
- 53) Shushant Sidh, Mid-Atlantic LifeSpan
- 54) Susan Shubin, Legal Aid Bureau
- 55) Jill Spector, Medicaid
- 56) Kathy Sarnecki, Department Human Resources
- 57) Susan Stokes, Small Assisted Living Alliance
- 58) Alicia Sumilas, Maryland Health Enterprises
- 59) JoAnn Stough, Project Home
- 60) Nanci Target, Heartlands
- 61) Deborah Tolliver, Anne Arundel County
- 62) Janice Tores, Baltimore City
- 63) Betty Totaro, Howard County
- 64) Metak Townsend, Small Assisted Living Alliance
- 65) Loretta Wells, Assisted Living of Annapolis
- 66) Diane Wit, Alzheimer's Association

I. Call to Order

Ms. Carol Benner, Director of the Office of Health Care Quality, called the Assisted Living Forum meeting to order at approximately 9:45 AM. Ms. Benner thanked everyone present for their interest in Maryland's Assisted Living Program. She asked everyone to introduce themselves and the organization or provider that they represent.

II. Accomplishments Last Year

During the 2003 General Assembly Session the Legislature passed Senate Bill 553, which requires that the Department in consultation with stakeholders, to report back to the Legislature on certification of assisted living managers, differences between small and large providers, and the need for special standards for specialty units in assisted living programs. In order to prepare its report, the Department convened a group of interested parties to advise it and assist in the evaluation of Maryland's Assisted Living Program (ALP). The Department invited key representatives from each of the stakeholder groups including individual providers, provider associations, and others. The meetings were open to the public and the public was invited to comment at all stages of the evaluation. Not unexpectedly, attendance at these meetings grew from the initial core-group of 16 members to well over 80 stakeholders.

Based on the knowledge of the Department through its surveys, interactions with providers and consultation of the stakeholders, the Department made the following recommendations:

- Include the following categories in the definition of Assisted Living:
 - Adult Family Homes (1 to 4 beds in a private residence where the owner is also the primary caregiver)
 - Residential Care Homes (non-private residence up to 16 beds)
 - Assisted Living Programs (17+beds)The latter two categories would continue licensure based on Level of Care of residents.
- Awake overnight staff in all ALPs with 17+ beds
- Nursing presence for any ALP with 17+ beds that is licensed to care for nursing home eligible (Level 3) residents
- Revision of Assessment Tool to determine level of care
- Approval by the Department for a specialty unit such as an Alzheimer's or rehab unit within an assisted living program
- Strengthening of medication administration requirements by the Board of Nursing
- Certification of assisted living managers in ALPs (17+ beds)

III. Review of 2004 Legislative Session

There were two pieces of legislation introduced during the 2004 General Assembly Session that pertained to assisted living – House Bill 1190 and House Bill 247.

House Bill 1190 entitled, "Assisted Living Programs – Assisted Living Managers – Training Requirements", requires that all program managers for assisted living programs with 17 or more beds must complete an 80-hour manager training course that includes an examination and that is approved by the Department, as well as 20-hours of continuing education every two-years. There is a grand-fathering provision for individuals who have been employed as an assisted living manager for one-year prior to January 1, 2006. The Department, in consultation with assisted living managers, health care professionals who have expertise in providing assisted

living care, Mid-Atlantic LifeSpan, the Health Facilities Association of Maryland, the Alzheimer's Association, the Mental Health Association of Maryland, and other interested parties, will develop core topics and guidelines to be used by organizations in developing an assisted living manager training course and examination. In addition, the bill requires that the Department submit a report to the Senate Finance and House Health and Government Operations Committees by January 2005 with recommendations regarding training requirements for assisted living managers in programs with 16 or fewer beds; quality standards for assisted living programs with 17 or fewer beds; and, a method for improving the efficiency of the assisted living regulatory process.

House Bill 247 entitled, "Assisted Living Programs - Emergency Back-Up Generator", would have required the Department to adopt regulations that require assisted living programs that are licensed to serve six or more individuals to have an emergency generator in working order on their premises. Amendments were offered by the sponsor, Delegate Costa, to increase the licensure threshold to those programs serving 25 or more individuals and to clarify that the generator must meet specified requirements such as being in working condition, designed to allow for the safe replenishment of fuel as required for the continuous, uninterrupted operation for extended power outages; and be able to provide power to specified systems for the duration of the outage that include: drinking and water supply, heating and air conditioning; kitchen systems, including cooking and refrigeration; hall way and emergency lighting; fire protection and suppression, including smoke and heat detectors; and, life support equipment, including oxygen and suction equipment, if the facility accepts resident's who require such equipment. While there was substantial discussion on both sides of this bill, it ultimately, however, failed to get voted out of committee. Ms. Benner noted that this is an issue that the Assisted Living Forum would need to discuss and hopefully be able to put together a recommendation to address this issue.

IV. Process for the Assisted Living Forum

The name of the workgroup has been changed to the Assisted Living Forum (ALF) to better reflect the group's activities and process. This change was made because there are no set members for this group. The forum is an assembly of interested parties and stakeholders to openly discuss matters or questions related to assisted living. The process for the ALF will be similar to the process used last year for the Assisted Living Workgroup. Areas of agreement between all parties will be determined in order to develop consensus statements that are agreeable to the group as a whole. While there may not be unanimous agreement on every consensus statement developed, the statements will be a reflection of the large majority view of the forum.

V. Review of Recent Changes to COMAR 10.07.14 – Assisted Living Programs

William Dorrill, Deputy Director for State Programs at the Office of Health Care Quality, gave an overview of amendments to the assisted living regulations that became effective March 29, 2004. The changes included correcting medication administration requirements to achieve consistency with the Nurse Practice Act; clarifying staff training requirements; altering the timing of preadmission assessments; correcting the COMAR reference to the Life Safety Code; requiring posting of the most recent survey findings and the plan of correction according to Senate Bill 331 of the 2002 General Assembly Session; and requiring the assisted living programs to submit a written description of its Alzheimer's Special Care Unit to the Department according to Senate Bill 746 of the 2002 General Assembly Session. The Office of Health Care Quality (OHCQ) has available new regulation booklets that incorporate all of the revisions. The booklets are available for order from the OHCQ. Individuals may contact the OHCQ at call 410-402-8015 or toll-free 1-877-402-8218 for more information or an order form can be downloaded from the OHCQ website at <http://www.dhmf.state.md.us/ohcq/html/reg.htm>.

VI. Next Steps

The Department is tentatively planning to hold five Assisted Living Forum meetings. The dates of the Forum meetings are scheduled for June 9, 2004; July 7, 2004; August 11, 2004; and, September 8, 2004. The meeting locations have not been determined.

VII. Adjourn

There being no further business before the Assisted Living Forum, the meeting adjourned at approximately 11:40 am.