



STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene

201 W. Preston Street • Baltimore, Maryland 21201

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

JAN 26 2009

The Honorable Martin J. O'Malley
Governor
Office of the Governor
State House
100 State Circle
Annapolis, MD 21401-1991

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate
State House, H-107
100 State Circle
Annapolis, MD 21401-1991

The Honorable Michael E. Busch
Speaker of the House
State House, H-101
100 State Circle
Annapolis, MD 21401-1991

Dear Governor O'Malley, President Miller and Speaker Busch:

Pursuant to Senate Bill 553 Assisted Living Facilities – Certification – Third Party Accreditation, the DHMH Office of Health Care Quality is submitting the following report concerning its experience with level of care 3 plus waivers for the preceding 12-month period that ends November 30.

The level of care 3 plus is a resident-specific level of care waiver which is granted by the Department for an individual who resides in an assisted living facility (ALF) licensed by the Department and who proposes to continue to serve a resident whose level of care exceeds the level of care for which the ALF has authority to provide, or who would require care that falls into one of the categories set forth in COMAR 10.07.14.10J. As an example, the Department may grant a resident-specific level of care waiver to an ALF if an existing resident requires more than intermittent nursing care, treatment of stage three or stage four skin ulcers, or ventilator services. The purpose of the waiver is to permit a resident to remain in place as his/her condition worsens, but only as long as the ALF has demonstrated to the Department that it will provide appropriate care.

Toll Free 1-877-4MD-DHMH • TTY for Disabled – Maryland Relay Service 1-800-735-2258

Web Site: www.dhmh.state.md.us



The Honorable Martin J. O'Malley
The Honorable Thomas V. Mike Miller, Jr.
The Honorable Michael E. Busch

This report covers data for the past two 12-month reporting periods. For the period December 2006 through November 2007, the Department received 30 resident-specific waiver requests; 27 waivers were granted. In addition, 15 facilities were cited for not applying for a resident-specific waiver as required. For the period December 2007 through November 2008, the Department received 15 such waiver requests; 14 were granted. During the same time frame, 10 facilities were cited for not applying for a resident-specific waiver as required.

During a survey or other inspection, or when a resident-specific level of care waiver request is made, the Department will review the number of resident specific waivers a licensee holds to ensure that the ALF continues to have the capability to provide appropriate care to all of its residents. In general, a resident-specific level of care waiver remains with the resident for the duration of the resident's stay at the ALF.

I hope this information has been helpful. If you have any questions, please contact me or have your staff contact Anne Hubbard, Director of Governmental Affairs, at 410-767-6481.

Sincerely,



John M. Colmers
Secretary

cc: Wendy Kronmiller
Frank Johnson
Anne Hubbard