

residents and may not disclose the information provided to a resident, except with the express consent of the resident or the resident's legal guardian or health care representative.

(3) Public or private nursing facilities may require the employees or representatives of protection and advocacy agencies and of centers for independent living to provide proof of their employment [and training] before authorizing the access required under paragraph (1) of this subsection.

(G) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT, AND THE DEPARTMENT'S DESIGNEE, SHALL REPORT TO THE GOVERNOR AND THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(1) THE DEPARTMENT'S EFFORTS TO PROMOTE HOME- AND COMMUNITY-BASED SERVICES;

(2) THE NUMBER OF NURSING FACILITY RESIDENTS REFERRED OR IDENTIFIED UNDER SUBSECTIONS (C) AND (D) OF THIS SECTION IN THE PREVIOUS YEAR;

(3) THE NUMBER OF NURSING FACILITY RESIDENTS WHO TRANSITIONED FROM NURSING FACILITIES TO HOME- AND COMMUNITY-BASED WAIVER SERVICES;

(4) ANY OBSTACLES THE DEPARTMENT CONFRONTED IN ASSISTING NURSING HOME RESIDENTS TO MAKE THE TRANSITION FROM A NURSING FACILITY TO A COMMUNITY-BASED RESIDENCE; AND

(5) THE DEPARTMENT'S RECOMMENDATIONS FOR REMOVING THE OBSTACLES.

Chapter 303 of the Acts of 2003

[SECTION 3. AND BE IT FURTHER ENACTED, That on or before January 1 of each year, the Secretary of Health and Mental Hygiene shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, and to the Department of Legislative Services on:

(1) State efforts to promote home- and community-based services under this Act; and