

HB 1034 State Board of Examiners of Nursing Home Administrators – Renaming and Licensure of Assisted Living Managers

Position – Support from the Office of the State Long-Term Care Ombudsman

February 22, 2022

As the State Long-Term Care Ombudsman, I advocate for the residents in nursing homes and assisted living facilities. At this time, Maryland has over 1600 assisted living facilities (ALF) and over 25,000 assisted living residents. These residents are afforded protections under state law and regulations that provide minimum standards related to facility practice. I would recommend that the Health and Government Operations Committee review the position paper submitted by the State Board of Examiners. This paper provides a statistical analysis as well as other information that supports the needs for this bill to become law.

In assisted living facilities, residents receive assistance for activities of daily living by a caregiver and a medication technician. The assisted living manager is responsible for overseeing and coordinating the care of the residents with limited support from the delegating nurse who is not required to be onsite and often only visits every 45 days and as needed as required by state regulation.

Even though many of the assisted living residents have the same needs and same acuity level as nursing home residents, there is no interdisciplinary team, as there is in nursing homes, to help develop the treatment plan and provide the care. This falls on the assisted living manager. The assisted living manager has the authority and responsibility to ensure that the residents receive the best and most appropriate care possible. I would encourage members of this committee to review the COMAR that shows the responsibilities of the assisted living manager.

Currently, there are no professional licensure standards for assisted living managers.

Assisted living residents in Maryland deserve to have excellent care, and this bill would be another step in the right direction. ALF managers are responsible for the quality of life and care in assisted living facilities. In at least 15 states, ALF managers have a license. This bill would require managers to have licenses in Maryland for the first time. Licensure will provide a credibility and integrity to the profession and to assisted living facilities in Maryland.

The benefits of the bill include the following:

-Licensure will ensure that the professional completes the necessary requirements for the position and continuing education.

-Licensure would allow public information to be available about the ALF manager's licensure status and any sanctions. Currently there is no public information available

about the assisted living manager. This would allow for greater transparency and informed consumer choice.

Unfortunately, the ombudsman program has seen serious issues in assisted living facilities that could have been prevented by and at times caused by the assisted living manager. Some recent complaints have included the following:

- No staff or trained staff caring for residents. In one ALF, one of the residents was providing care.
- No heat when the outside temperature was at times less than thirty degrees.
- No food.
- Visitors were not allowed to visit including family members.
- Residents were denied access to medical records, did not have medical records, or the medical records were not onsite. In one case, the manager kept the records at her house and in another case in the trunk of her car.
- Financial exploitation – the ALF manager became the financial power or attorney of a resident that could not make financial decisions and spent the resident's money on herself.
- Physical abuse
- Verbal and psychological abuse
- Abandonment
- Violation of county and state fire codes
- Running an unlicensed assisted living facility and moving residents from a licensed assisted living facility to an unlicensed one. The operation of an unlicensed facility is a felony.
- Relocating residents without consent and notification of proper authorities.

These concerns are serious, and at times have life threatening consequences. In the past, in several instances, residents have not had supervision, left the facility or eloped, and have died. The facility was held accountable, but there was no process for professional accountability for the individual that allowed these situations to happen.

This bill would require licensure for the first time in Maryland. Licensure make sure that the ALF managers would be held accountable for regulatory violations not just against the facility, but also against their license. As a result, this bill would allow for complaints to be investigated against the assisted living manager. Currently, complaints can be made against the facility, but not specifically against the manager since the manager is not licensed. This would allow the manager to be held responsible.

This bill is needed, necessary, and will be one of the most important protections for residents in Maryland. Assisted living residents deserve to receive the best care possible, and this bill help ensure that this occurs.

Consumers choosing between a facility in Maryland and another state, would be more likely to choose an assisted living in Maryland knowing that there is integrity and professional accountability. Assisted living residents and their families will know that they are valued.

As the State Long-Term Care Ombudsman, I encourage you to support this bill.

Respectfully submitted,

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