



*Keeping You Connected...Expanding Your Potential...
In Senior Care and Services*

TO: The Honorable Pamela Beidle, Chair
Members, Senate Finance Committee
Senator Johnny Ray Salling

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DATE: March 7, 2024

RE: **LETTER OF INFORMATION** – Senate Bill 813 – *Health Care Facilities – Access to Telephones*

On behalf of the LifeSpan Network, a senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities, and other home and community-based services, we provide this **letter of information** on Senate Bill 813, which mandates access to telephone use in health care facilities.

Federal and State regulations for both nursing facilities and assisted living programs govern access to a telephone. These regulations are enforceable by the Office of Health Care Quality as well as the federal Center for Medicaid and Medicare Services. The provisions are below.

NURSING HOME REGULATIONS

Section 483.10(g) Information and communication.

- (6) The resident has the right to have reasonable access to the use of a telephone, including TTY and TDD services, and a place in the facility where calls can be made without being overheard. This includes the right to retain and use a cellular phone at the resident's own expense.
- (7) The facility must protect and facilitate that resident's right to communicate with individuals and entities within and external to the facility, including reasonable access to:
 - (i) A telephone, including TTY and TDD services;
 - (ii) The internet, to the extent available to the facility; and
 - (iii) Stationery, postage, writing implements and the ability to send mail.

“Reasonable Access” means that telephones, computers and other communication devices are easily accessible to residents and are adapted to accommodate resident’s needs and abilities, such as hearing or vision loss.

Section 483.10(f)(11)

Items and services that may be charged to residents' funds. Paragraphs (f)(11)(ii)(A) through (L) of this section are general categories and examples of items and services that the facility may charge to residents' funds if they are requested by a resident, if they are not required to achieve the goals stated in the resident's care plan, if the facility informs the resident that there will be a charge, and if payment is not made by Medicare or Medicaid:

(A) Telephone, including a cellular phone.

10.07.09.08 Resident's Rights and Services.

C. A resident has the right to:

(19) Reasonable access to the private use of a telephone;

ASSISTED LIVING REGULATIONS

10.07.14.55 Telephones.

A. An assisted living program with a licensed capacity of one to eight beds shall provide:

(1) At least one land line telephone for common use; and

(2) A posting next to the telephone that contains the telephone numbers for the local police department, fire department, and relief personnel.

B. An assisted living program with a licensed capacity of nine to 16 beds shall provide at least one common-use telephone. If there are nine or more residents that do not have private telephones in their own rooms, the assisted living program shall provide a second common-use telephone.

C. An assisted living program with a licensed capacity of 17 or more beds shall provide:

(1) Wiring in each resident's room that would allow a resident to use the resident's own private telephone; and

(2) An adequate number of telephone lines and common-use telephones to accommodate those residents who do not have private telephones installed in their rooms.

DEFINITION –

(18) "Common-use telephone" means a telephone:

(a) That is within the facility;

(b) That is accessible to residents;

(c) That is located so that residents can have private conversations; and

(d) With which residents can make local calls free of charge.