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HB 874 State Board of Long-Term Care Administrators – Requirements for Assisted Living Managers Support with Amendments Health and Government Operations Committee February 22, 2024

Good afternoon, Chair Peña-Melnyk and members of the House Government Operations Committee. I am Tammy Bresnahan. I am the Senior Director of Advocacy for AARP Maryland. AARP, which advocates for the more than two million Marylanders age 50 and older has concerns and would like to see amendments to HB 874.

HB 874 is extending, from October 1, 2024, to July 1, 2026, the date by which individuals must be licensed by the State Board of Long-Term Care Administrators before practicing as an assisted living manager in the State. It alters the requirements for the manager training course that assisted living managers are required to complete; and alters the requirements for serving as an interim assisted living manager.

Background

In October 2000, the Oversight Committee on Quality of Care in Nursing Homes and Assisted-Living Facilities originated when the General Assembly established the Oversight Committee on Quality of Care in Nursing Homes. The Committee adopted its present name on October 1, 2005 adding in Assisted Living. AARP is represented on the Committee. It was brought to the attention of the Committee many years ago, problems in assisted living facilities, such as inadequately trained staff, too few staff, medication errors, and the admission and the proper retention of records.

Dating back to 2005, The Maryland Office of Health Care Quality (OHCQ) issued a report entitled Maryland’s Assisted Living Evaluation. The report confirmed that residents in Assisted Living Facilities (ALF) are frailer and have more memory issues than when OHCQ began regulating ALFs in 1996. At that time, they estimate that two-thirds of residents in assisted living programs have moderate to severe dementia and less than half receive adequate treatment for their condition. Most residents have multiple medical diagnoses, some debilitating, and take, on average, 9-14 medications per day.

For more than a decade, residents in ALFs are those that have high or just as high memory issues and are as frail as residents in nursing homes. While nursing homes are highly regulated and have medical staff requirements, ALF staff have no such requirements or very limited requirements. Not to mention that the Assisted Living Regulations have not been updated since 2008.

In 2020 a bill was introduced with support of the advocacy community with opposition from the industry. SB 480 State Board of Examiners of Nursing Home Administrators - Renaming and Licensure of Assisted Living Managers required that all assisted living managers be licensed by the state of Maryland. The bill renamed the Board of Nursing Home Examiners to the Board of Examiners of Long-Term Care. The bill amended the composition of the Board by adding three actively practicing assisted living managers with a minimum of five years of practice experience and two consumers who have relevant experience with relatives residing in assisted living facilities. (That bill was withdrawn by the sponsor.)

And then in 2022, Senate Bill 720/House Bill 1074 was introduced. The bill renamed the State Board of Examiners of Nursing Home Administrators to be the State Board of Long-Term Care Administrators and requires that an individual be licensed by the board to practice as an assisted living manager in the State beginning October 1, 2024. Individuals who have been employed in the State as an assisted living manager and worked at a program with five or more beds as of September 30, 2022, are deemed to have satisfied the qualifications for licensure. An assisted living manager employed by a program with four or fewer beds must complete a specified manager training course by September 30, 2024. The bill alters board structure and membership requirements, specifies that the board is a medical review committee, and makes conforming changes. By October 1, 2023, the board must submit a report on implementation of the bill. The Office of Health Care Quality (OHCQ) must notify the board of the appointment of an assisted living program as a resident's representative payee.

The advocacy community understands that there was an agreement reached to extend the requirements of the 2022 bill between the Board, LifeSpan, the Office of Health Care Quality and the Department of Aging. What we'd like you to know is that the advocacy community was left out of any discussion.

The advocacy community has had concerns about the quality of care in assisted living dating back to 2005. Our concerns gave way to the bills introduced in 2020 and then again in 2022 and our ongoing advocacy to have new regulations promulgated by the Department.

We believe that residents in assisted living need the best possible care and that begins with well trained staff. As one of the advocacy organizations that supported the 2022 bill, we have ongoing concerns about extending time frames and altering the requirements. We remain frustrated at the delays and believe residents are at risk. Our most vulnerable Marylanders are at the heart of this issue.

While we know you may be inclined to support extending the dates to come into compliance, we urge you to consider the Ombudsman amendment which extends compliance to 2025 rather than 2026 and to require a performance plan, time frames and progress report to ensure compliance with the extension you deem is necessary. If you have questions or concerns, please feel free to contact Tammy Bresnahan at tbresnahan@aarp.org or by calling 410-302-8451.

