



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Acting Secretary

February 4, 2021

The Honorable Delores Kelley, Chair  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, Maryland 21401

**RE: Senate Bill 47 - Health Facilities – Nursing Homes and Assisted Living Programs – Essential Caregivers - Letter of Information**

Dear Chair Kelley and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information on Senate Bill (SB) 47 - Health Facilities – Nursing Homes and Assisted Living Programs – Essential Caregivers.

SB 47 would require each nursing home and assisted living program to establish policies and procedures authorizing essential caregivers at their facilities and requiring facilities to consult with their local health officer when establishing policies and procedures. Additionally, an essential caregiver would be required to inform the staff of the facility if they develop certain symptoms.

MDH has enacted various similar requirements of skilled nursing facilities throughout the COVID-19 pandemic via Secretary's Orders. The latest version of the Secretary's Order Related to Nursing Homes is attached for reference. All aspects of the order, especially those related to visitation are aligned with CMS guidance. If a facility is directed to take an action that is out of compliance with CMS guidance, MDH provides oversight through the Office of Health Care Quality and would be required by CMS to survey and issue citations. It is important that any state requirements align with CMS guidance which can change frequently and has changed throughout the pandemic as the impact on long term care facilities evolved.

I hope this information is useful. If you have questions or need more information about this subject, please do not hesitate to contact me at (410) 260-3190 or [webster.ye@maryland.gov](mailto:webster.ye@maryland.gov) or Emily Berg, Assistant Director, Office of Governmental Affairs at (443) 202- 4977 or [emily.berg@maryland.gov](mailto:emily.berg@maryland.gov).

Sincerely,

Webster Ye  
Assistant Secretary, Health Policy