



February 25, 2021

The Honorable Delores Kelley
Chair, Senate Finance Committee
3 East Miller Senate Office Building
11 Bladen Street
Annapolis, MD 21401

Dear Madame Chair Kelley and Finance Committee Members:

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to comment on Senate Bill 579: Health Care Facilities - Restrooms - Requirements. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers.

Our members provide services and employ individuals in nearly every jurisdiction in the state. HFAM members provide the majority of post-acute and long-term care to Marylanders in need: 6 million days of care across all payer sources annually, including more than 4 million Medicaid days of care and one million Medicare days of care. Thousands of Marylanders across the state depend on the high-quality services that our skilled nursing and rehabilitation centers offer every day.

Senate Bill 579 requires each health care facility, on or after January 1, 2023, to provide in each restroom maintained by the health care facility a hands-free disposable towel dispenser and a device that allows an individual to open a door without touching the door handle. This legislation requires health care facilities to report to the Maryland Department of Health that they meet these requirements and requires the Maryland Department of Health to maintain records of these reports.

While this legislation is well-intentioned, its implementation would create an unnecessary burden on health care providers while they are still fighting ramifications from the COVID-19 pandemic. More than ever, we all know of the importance of infection control and prevention protocols and understand that simple measures, such as hand hygiene, can prevent the spread of illness. It is critical for health care providers continue to follow these protocols, even after the pandemic ends.

However, we have concerns that the installation of automatic doors in public and staff restrooms of health care facilities will be costly and logistically difficult, especially while providers are still fighting and recovering from the COVID-19 pandemic. Our members have been on the front lines of the pandemic for nearly a year and will still be dealing with lasting impacts for years to come. Together, we must ensure that resources are used in a way that will have the most positive impacts on quality care.

Throughout the COVID-19 pandemic, long-term and post-acute care centers faced unprecedented costs on personal protective equipment (PPE), staffing, and hero pay bonuses while dealing with a loss of revenue due to declined census and observation and isolation requirements. These were all, of course, necessary precautions and steps to protect residents, patients, and staff but it is important to note the financial impact on providers.

There are alternative ways to achieve the goal of keeping people safe and free of germs in health care facilities without requiring the installation of automatic doors in restrooms. For example, the use of a paper towel when opening a door and the placement of hand sanitizer right outside of the restroom.

For these reasons, we are apprehensive about the requirements outlined in this legislation and the financial and logistical burden that would be added to health care providers during an already difficult, unprecedented time. We respectfully request that you and members of the Committee take these concerns in to account.

We appreciate the sponsor for bringing this legislation forward and thank you for your consideration of this issue. We look forward to our continued work together to protect quality care for Marylanders in need.

Submitted by:

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