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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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SB 204

Health Care Facilities – Assisted Living Programs
Memory Care and Alzheimer’s Disease Unit Regulations

Chairman Kelley, Vice Chair Feldmen and Members of the Committee;

Thank you for the opportunity to present SB204, Health Care Facilities – Assisted Living Programs – Memory Care and Alzheimer’s Disease Unit Regulations.

Dementia and Alzheimers Disease affects 5.7 million Americans, one every 65 seconds. One in ten people over the age of 65 are affected—the most common type of dementia is Alzheimer’s Disease, also known as AD. There are approximately 1700 Assisted Living facilities in Maryland, with 88 of them have designated Memory Care units. Significant additional fees are charged for these units; families placing their loved ones in these special care units should be assured that they receive the appropriate care needed for dementia disease.

One thing important to note is that the State Government Article, Section 10-130 – 10-139 requires that all regulations in Maryland must be reviewed every 8 years; this requirement was updated in 2001. The regulations for Memory Care units are included in the Assisted Living Regulations; **the current Assisted Living regulations were last updated in 2008** by the Office of Health Care Quality (OHCQ). The OHCQ began working on the updated regulations in 2015 and released a draft to advocates and industry for review. After reviewing the many comments, the OHCQ proposed another draft in 2016. This is 2021 and this process has not been completed, it has been **12 years** since the regulations were updated - they are four years late.

SB 204 is an attempt to have the Memory Care Special Care Units regulation updated. The regulations proposed in the bill are not nearly as demanding or extensive as the proposed regulations that are sitting on the shelf. You will hear from industry that they cannot handle any new proposed regulation because they are dealing with COVID and vaccines however the proposed regulations are the basic services that a family should expect.

SB 204 lays out five (5) requirements for assisted living facilities that advertise as “Memory Care Units:”

- Staff training requirements for staff that work with dementia patients,
- Staffing pattern requirements adequate to meet waking and nonwaking hours,
- Appropriate frequency and type of activities for residents, so important now due to covid isolation,

- Procedures for nighttime monitoring,
- Admission and discharge criteria.

Over the interim, I served on the Oversight Committee for Nursing Homes and Assisted Living facilities and on the legislative sub-committee. This legislation was supported by the legislative sub-committee however, the bill was never presented to the full committee for a vote.

SB 204 would not be necessary if the Office of Health Care Quality can complete the regulations offered in 2015 and 2016. These were very complete regulations, and while it is good to bring the stakeholders to the table, in this instance the industry has stopped progress.

I have heard that Dr. Patricia Nay, from the Office of Health Care Quality, can have these regulations completed by December 31, 2022, I am trying to confirm that this can be accomplished, however I not been able to speak with Dr. Nay directly.

If the entire package of Assisted Living regulations can be completed by December 31, 2022, that would be acceptable, if not, we need the work to start this year and be completed by December 31, 2022, families deserve to have the Memory Care Special unit regulations updated.

Thank you for your consideration of SB 204 and I urge the committee to move this bill with a favorable report.