



6811 Campfield Road
Baltimore, MD 21207

TO: The Honorable Delores Kelley
Chairwoman, Finance Committee

FROM: LeadingAge Maryland

SUBJECT: Senate Bill 47, Health Facilities – Nursing Homes and Assisted Living Programs
– Essential Caregivers

DATE: February 4, 2021

POSITION: **Unfavorable**

LeadingAge Maryland opposes Senate Bill 47, Health Facilities – Nursing Homes and Assisted Living Programs – Essential Caregivers.

LeadingAge Maryland is a community of not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. We represent more than 120 not-for-profit organizations, including the vast majority of CCRCs in Maryland. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, faith communities and others who care about aging in Maryland.

Senate Bill 47 authorizes indoor visitation of an “essential caregiver” at a nursing home or assisted living program. Each nursing home and assisted living program must establish policies and procedures authorizing indoor visitation from an essential caregiver. A nursing home or assisted living program may consult with the local health officer for the jurisdiction in which the facility is located when establishing policies and procedures.

An essential caregiver must, in a timely manner, inform the staff of the nursing home or assisted living program if the essential caregiver develops any symptom of a potentially transmissible illness. An essential caregiver may transport the patient or resident outside the nursing home or assisted living program for essential medical appointments. If a patient or resident is quarantined, an essential caregiver may not visit the patient or resident until the

quarantine ends. A nursing home or assisted living program may restrict or revoke essential caregiver status if the essential caregiver does not follow the rules and policies of the nursing home or assisted living program or the direction of staff.

LeadingAge Maryland appreciates the Sponsor's intent. Our members continually work to facilitate connection between residents and caregivers while also protecting the wellbeing of all who live in the community. Nursing homes and assisted livings currently follow detailed regulations and guidance related to visitation that are based on best practices for infection prevention and control.

Visitation at communities was a non-issue prior to the pandemic. An "essential caregiver" for a resident could be identified now. A resident of a nursing home or assisted living programs have the right to meet or visit privately with anyone, subject to reasonable hours and locations (See COMAR 10.07.14.35; COMAR 10.07.09.08). Federal law goes even further with nursing homes and allows the resident to meet visitors at a time of their choosing as long as it does not impose on the rights of another resident. Should issues arise, the State Ombudsman program through the Department of Aging assists with ensuring residents rights in a variety of settings.

COVID-19 has restricted visitation at communities as a result of State and local orders. This has been understandably hard on residents and their families. However, establishing a separate and additional layer for visitation will create confusion in practice.

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for Senate Bill 47.

For additional information, please contact Aaron J. Greenfield, 410.446.1992