

SB795 Testimony.pdf

Uploaded by: Eckardt, Adelaide

Position: FAV

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Health and Human Services
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Joint Committees
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Audit

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Fair Practices and
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Pensions

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Testimony for Senate Bill 795
Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities –
Membership and Cochairs
March 11, 2021

Madam Chair Kelley and Members of the Committee:

Thank you for the opportunity to present Senate Bill 795 – Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities – Membership and Cochairs.

The Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities was created by the General Assembly in 2000. The Committee is charged with evaluating progress in improving the quality of nursing home and assisted-living facility care statewide.

Senate Bill 795 alters the membership of the Oversight Committee. Specifically, Senate Bill 795 adds in one representative of Leading Age Maryland. In addition, Senate Bill 795 creates two co-chairs elected from the membership. 80% of the committee positions are required to be filled before co-chairs can be elected.

Thank you for your consideration and I respectfully ask for a favorable report of Senate Bill 795.

Best regards,

A handwritten signature in black ink that reads 'Addie C. Eckardt'.

Senator Addie C. Eckardt

SB0795_FAV_LifeSpan_Oversight Committee.pdf

Uploaded by: Kauffman, Danna

Position: FAV



*Keeping You Connected...Expanding Your Potential...
In Senior Care and Services*

TO: The Honorable Delores Kelley, Chair
Members, Senate Finance Committee
The Honorable Adelaide Eckhardt

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: March 11, 2021

RE: **SUPPORT** – Senate Bill 795 – *Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities – Membership and Cochairs*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities and other home and community-based services, we **support** Senate Bill 795. Senate Bill 795 adds a representative from Leading Age Maryland to the Oversight Committee and removes the Secretary of Aging from chairing the Oversight Committee. The bill then specifies that the Oversight Committee will be chaired by co-chairs nominated by members on a yearly basis and will include one chair from a State agency and one chair from the individuals representing the provider and consumer advocacy organizations. Equally important, the bill requires that, before a chair can be nominated, 80% of the designated slots must be filled.

The General Assembly formed the Oversight Committee on Quality of Care in Nursing Homes in 2000. In 2005, the General Assembly added assisted living programs. However, over the years, the Oversight Committee has often experienced vacancies in the designated slots, affecting its ability to effectively operate. More recently, there have been issues raised regarding “chairing” the Committee, which Senate Bill 795 seeks to address. LifeSpan believes that it is important for both the consumer and provider advocacy organizations to work together to ensure that residents of assisted living programs and nursing homes receive the quality of care that they deserve. While we may not always agree, the ability to gather, discuss and work through issues is paramount to advancing strong public policy. We believe that Senate Bill 795 will advance the overall goals of the Oversight Committee, and we urge a favorable vote.

For more information call:

Danna L. Kauffman
Pamela Metz Kasemeyer
410-244-7000

1199SEIUTestiomnySB79503092021FINAL.pdf

Uploaded by: Balog, Claudia

Position: UNF



Testimony of 1199SEIU United Healthcare Workers East

SB 795 - Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities – Membership and Cochairs

Position: UNFAVORABLE

Chair Kelley and Vice Chair Feldman and members of the Senate Finance Committee,

My name is Claudia Balog and I am a Lead Researcher with 1199SEIU- the largest healthcare union in the nation, where we represent 10,000 healthcare workers in Maryland and DC. We are respectfully submitting testimony in opposition to SB 795.

Our members who include Certified and Geriatric Nursing Assistants, LPNs, Certified Medication Technicians, Dietary Aides and Housekeepers, care for the most at-risk residents in Maryland's skilled nursing and assisted living facilities. The Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities is an important tool in giving consumers and advocates a voice in the oversight of these Long-Term Care settings. The need for industry oversight has only been magnified by the current COVID-19 pandemic. Our members and the residents who depend upon us need an Oversight Committee that is dedicated to advancing difficult conversations about improving quality standards, care reform and policy development. In the wake of thousands of deaths and illnesses among residents and staff, we share concerns with others that this Committee has not lived up to its full potential.

We oppose this bill, however, because we do not believe that changes to the structure of the Oversight Committee are what is necessary for it to achieve its full potential. We are concerned about the provision to add another industry seat to the Committee. We also believe that the Secretary of Aging is an effective, ideally neutral chair of this committee; their position in Cabinet can help elevate the need to improve this industry. Finally, we do not believe a system of rotating chairs, which could potentially have industry representatives providing oversight on themselves, makes much sense, or provides an effective solution toward a more effective oversight committee.

We do not believe that the Oversight Committee has advanced the kind of robust dialogue necessary to develop a roadmap for improved quality in our state's nursing homes and assisted living facilities. However, the structure of the committee – which we believe is a crucial component to ensuring industry oversight - is not the problem.

1199SEIU participated on a Subcommittee that met throughout the summer to develop recommendations to address many of the structural issues in our Long-Term Care delivery system. We greatly appreciated the active participation of Senator Eckardt and Senator Beidle in Subcommittee meetings. In addition to discussing immediate COVID-related concerns such as PPE and testing, our Subcommittee tackled workforce recruitment and retention challenges that have led to short staffing in our nursing homes, quality of life concerns in these settings (that impact both residents and caregivers), transparency of data and provider reimbursement challenges.

It is our view that the recommendations we developed were not accompanied with sufficient briefings for all of Maryland's elected leaders. Given the press spotlight on our nursing homes and assisted living facilities due to the pandemic, this was a missed opportunity. In states such as New Jersey and Massachusetts, regulatory oversight bodies have convened to enact meaningful changes to improve the quality of care for nursing home and assisted living facility residents during these difficult times.

Instead of changing the composition and structure of the Oversight Committee, we could seek ways to bolster the efforts of its members. For example, we could mandate that the Oversight Committee must convene a meeting with all of its members to discuss and make recommendations as a body on legislation impacting nursing homes and assisted living facilities, prior to the opening of our legislative session.

We believe that long-term, the current structure can accomplish the essential goals of this group. We hope that one day we can participate in conversations about how to improve the Committee without changes to its governance structure. While we respectfully oppose this legislation, we want to thank Senator Eckardt for raising attention to such an important issue. Thank you.

SB 795 Oversight Committee of Quality of Care in N

Uploaded by: Bresnahan, Tammy

Position: UNF



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**SB 795 Oversight Committee on Quality Care in Nursing Homes and Assisted Living
Facilities – Membership and Cochairs
UNFAVORABLE
March 11, 2021
Senate Finance Committee**

Good Afternoon Chairwoman Kelley and Members of the Senate Finance Committee. I am Tammy Bresnahan, the Associate State Director of Advocacy for AARP MD. AARP MD has over 890,000 members in Maryland many of whom you represent. AARP MD respectfully opposes SB 795 Oversight Committee on Quality Care in Nursing Homes and Assisted Living.

SB 795 alters the membership of the Oversight Committee on Nursing Homes and Assisted Living Facilities by adding another representative for the industry. In addition, HB 795 would remove the chairmanship of the oversight committee from the Secretary of Aging or the Secretary's designee, to a shared chairmanship filled by two members of the committee.

The Long Term Care (LTC) industry has faced many challenges over the years, and the tremendous loss of life from COVID-19 has only served to amplify the need for strong oversight from this committee. The institutions that serve so many older and infirm Marylanders were created based on rules and laws passed decades ago, when needs and expectations were different. As you know nursing home funding and oversight come in large part from the state and federal budgets that can be stingy. Assisted living facilities have little rules and regulatory oversight. Most nursing homes and assisted living are privately owned, meaning there is little transparency into their finances and operations. Are they, as they claim, pinching pennies to survive, or are they profiting at the expense of quality care?

As the past 10 months have revealed, such a fraught arrangement couldn't withstand the pressure test of COVID-19; thousands of residents and workers have died due to the coronavirus, representing about 40 percent of the total pandemic fatalities in Maryland. As a member of the oversight committee, we don't believe that we need more representation from the industry on the oversight committee.

Since the late 1960s, citizen groups have organized to improve conditions in nursing facilities and other long term care facilities. Similar groups have been organized at the state and national levels with a focus on public education and advocacy. These groups provide an important complement to consumer advisory teams, community councils, ombudsman programs, and quality improvement groups that function to promote the development of quality services within long-term care settings.

Real Possibilities

They are typically directed and staffed by the state or consumer activists and perform a variety of functions, including consumer education and support; monitoring and reporting facility and program adherence to regulations and quality standards; advocacy for care reform and policy development; and support of local advisory and governance groups within long-term care settings.

AARP doesn't believe that the Oversight Committee Chair should be amended to add yet another industry representative and remove the secretary of aging, creating a co-chaired/revolving chairmanship. AARP Maryland urges the committee to reject changing the chairmanship of the Oversight Committee from the Secretary of Aging to a co-chair arrangement from amongst the committee membership. The residents of our LTC facilities deserve to have the Committee led by the highest levels of state government. While we understand that the Secretary of Aging might see this as an unnecessary function, these are our citizens—our vulnerable citizens, most of whom are over the age of 65. They are our moms and dads, grandmas and grandads, our husbands and our wives. This pandemic has killed many of them and we need to make sure that LTC and its funding is a priority for the Department of Aging. Almost half of all people who live in a LTC setting are 85 years or older. Relatively few residents are younger than 65 years of age. Most are women (72%), many of whom do not have a spouse (almost 70% are widowed, divorced, or were never married).

Assuring older vulnerable adults are financially secure and safe and receive the best care are key components of our advocacy agenda. AARP strongly believes that all individuals have the right to be self-reliant and live with dignity in retirement whether at home or in a facility. AARP is working hard to strengthen safety for vulnerable adults when they can no longer care for themselves.

AARP firmly believes that state governments should monitor and enforce regulations as mandated by the quality reform provisions of the Nursing Home Reform Act and pass updated regulations on assisted living.

We respectfully ask the Senate Finance Committee for an unfavorable report on SB 795. If you have any questions please feel free to contact Tammy Bresnahan at tbresnahan@aarp.org or by calling 410-302-8451.

SB795_OPP_AlzheimersAssociationMD.pdf

Uploaded by: Colchamiro, Eric

Position: UNF

Testimony of the Alzheimer's Association Greater Maryland and National Capital Area Chapters
**SB 795 - Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities –
Membership and Cochairs**

Position: Unfavorable

Chair Kelley and Vice Chair Feldman,

My name is Eric Colchamiro, Director of Government Affairs for the Alzheimer's Association in Maryland, and here today respectfully in opposition to SB 795.

This legislation alters the membership of the Oversight Committee on Nursing Homes and Assisted Living Facilities, requires that the Oversight Committee be chaired by two cochairs elected from among its members, rather than by the Secretary of Aging; requires that at least 80 percent of the Oversight Committee positions be filled before a cochair is elected; and specifies that the term of a cochair is one year, and a cochair may not serve more than two terms

The Oversight Committee has been in law since 2000, and the legislation which authorizes it was updated in 2005 and 2018. This multi-stakeholder committee was formed to expand the consumer voice and create more consistent oversight of the essential long-term care industry. It is an industry which, in the nursing home space, has an increasing number of mergers and acquisitions; since the Oversight Committee was first created, real estate investment trusts can now own and operate facilities for Maryland's seniors. And among assisted living providers, while the vast majority of providers operate small facilities, the eight percent of facilities over 50 beds have the majority of the patient population.

The Oversight Committee's work has taken on heightened importance amidst the COVID-19 pandemic, which has disproportionately impacted long-term care facilities; the committee convened monthly in the summer of 2020, and issued an annual report with a series of findings, which was the result of multiple subcommittee conversations. Thank you to Senator Eckardt and Senator Beidle for being active participants in both the subcommittee and the full committee.

The purpose of the Oversight Committee, to evaluate progress in improving the quality of nursing home and assisted living facility quality statewide, is appropriate. Its work to develop proposals on how to improve nursing home and assisted-living facility care is also important. The execution of these goals is lacking.

The Alzheimer's Association is concerned, however, about this legislation. We welcome LeadingAge joining this Committee; yet the existing structure—where there are 31 different seats—allows for their organization to participate, without adding solely an industry seat to an industry Oversight Committee. Overall, the Committee is not lacking for members or attendees; there are currently 31 positions, and 83 percent of them are filled. Additionally, Oversight subcommittee meetings in the summer and fall of 2020 consistently had over 20 participants, frequently including Maryland Department of Health's Director of the Office of Healthcare Quality Dr Patricia Nay.

In addition, the Secretary of Aging is an ideally neutral chair of this committee; their position in Cabinet can help elevate the need to improve this industry and bring the stakeholders together. And I do not believe a

system of rotating chairs, where a for-profit industry representative could oversee this Oversight Committee, is an effective solution for evaluating the quality of care in the long-term care industry.

All told, the structure of the committee is not the problem; it is the implementation of the Oversight Committee. The Alzheimer's Association would be happy to participate in conversations about how to improve the Committee with members of Senate Finance and elected official representatives on the committee. Solutions could include: an annual briefing for elected officials each interim session; a joint meeting, each year, with the Maryland Medicaid Advisory Committee; and a set schedule of more regular Oversight Committee meetings overall.

Again, thank you to Senator Eckardt for raising attention to the need for a more effective Oversight committee. Yet I recommend an unfavorable report on SB 795, as it is not the right way to reform the important work of this Committee.

SB795-VoicesForQuality_Oppose.Rev.pdf

Uploaded by: Van Akkeren, Lorrie

Position: UNF



Testimony of Lorrie Van Akkeren

SB 795 - Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities – Membership and Cochairs

Position: Unfavorable

Voices for Quality Care was formed by some people who were very passionate about the needs for advocacy and improvement in the quality of care residents in nursing homes received. The scope of their work has expanded over the years to include assisted living.

Voices for Quality Care is a long-time member of the Oversight Committee for the Quality of Care in Nursing Homes and Assisted Living facilities. Our organization feels that it is essential to reform and maintain a consumer perspective in the big business of long-term care. This bill, SB 795, does not make that industry better.

First, let's consider the reason the Oversight Committee for the Quality of Care in Nursing Homes and Assisted Living was established. It was established because there was a need to hear the voices of the residents, their family members, and their family members who were caregivers. These people were and are today so overwhelmed with the needs of their loved in one of these residence situations, that they have no time to express their observations and needs until the situations become desperate. (I know this firsthand; I spent 15 years as a caregiver of someone in a nursing home.) By having predominantly, consumer-oriented groups represented on an oversight committee filled a huge gap so these voices could be heard.

The pandemic has created many new problems in Maryland, but it has also heightened the importance of other issues. Amidst a pandemic where—as of March 9th—over eight percent of Maryland's COVID-19 cases have been in long-term care facilities, and 44 percent of our deaths have been in long-term care facilities, we need consistent oversight – especially considering the chronic underfunding of our state's Office of Health Care Quality, who is amidst a multi-year plan to add staff to meet their requirements that they have long failed to do.

This legislation, however, is not the answer. We do not need to add another industry seat to an Oversight Committee for industry; they and their viewpoint are overwhelmingly represented. The consumer voice is not. We cannot have an industry representative potentially chairing an OVERSIGHT committee. And while I appreciate the point about vacancies—I looked—and we actually have over 80 percent of our seats filled now; the issue is attendance, and you cannot legislate that people attend.

I dream of an Oversight Committee where we use Zoom technology for meetings, where we meet every month about the important issues in long-term care—especially from the perspective of the consumer, and where the Secretary of Aging further uses her platform to elevate how we can affect change and improve the quality of care for Maryland’s seniors.

This bill, however, is a conversation about the committee’s structure. That’s not the problem. The conversation we should be having is how we can better utilize the many people who consistently attend this committee and make things better.

In closing, I want to thank Senator Eckardt and Senator Beidle for their work on this committee. But I urge an unfavorable report on this legislation.

SB795 Letter of Information .pdf

Uploaded by: Fielhauer, Grace

Position: INFO



Larry Hogan | Governor Boyd K. Rutherford | Lt. Governor Rona E. Kramer | Secretary

DATE: March 9, 2021

BILL NUMBER: SB795

COMMITTEE: Finance

BILL TITLE: Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities – Membership and Cochairs

POSITION: Letter of Information

Thank you for this opportunity to provide information regarding SB795 – Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities – Membership and Cochairs.

The Secretary of the Maryland Department of Aging (MDOA) currently serves as the chair of the Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities. The department also provides staffing support to this committee. In addition to the Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities, MDOA staff currently serve on or provide support to 50 other committees, commissions, and workgroups.

This legislation, if passed, will allow the committee to elect two cochairs from among its members on an annual basis. Additionally, support staff for the committee will be provided by the Maryland Department of Health and the Department of Legislative Services in addition to the Department of Aging.

Furthermore, the Maryland Department of Aging does not oversee or regulate nursing homes or assisted living facilities in Maryland. This is the responsibility of the Maryland Department of Health.