



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

February 2, 2021

The Honorable Shane Pendergrass, Chair
House Health and Government Operations Committee
Room 241
House Office Building
Annapolis, Maryland 21401

RE: House Bill 276 - Congregate Care Facilities - Visitation

Dear Chair Pendergrass and Committee Members:

The Maryland Department of Health (MDH) respectfully submits this letter of information on House Bill 276 (HB 276) - Congregate Care Facilities - Visitation.

HB 276 requires each identified congregate care facility to allow a patient's or resident's family member to visit them, unless the facility determines that their presence of the visitor would endanger the health or safety of the patient, resident or facility staff. If an in-person visit is determined to be unsafe, the facility must provide an alternative mode of communication between the patient or resident and their family member. HB 276 also requires MDH to promulgate regulations to carry this out.

MDH has enacted various similar requirements regarding visitation in 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.

Additionally, the definition includes types of providers that are not typically thought of as congregate care - home health agency, ambulatory surgery center, and freestanding medical facility. Visitation issues are very different for facilities where patients stay overnight.

The requirement that facilities determine on a case by case basis whether the presence of a particular visitor would be dangerous and would make it impossible to protect all patients and residents during a pandemic.

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 \ or Emily Berg, Assistant Director, Office of Governmental Affairs at (443) 202- 4977 or emily.berg@maryland.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Webster Ye". The signature is fluid and cursive, with the first name "Webster" being more prominent than the last name "Ye".

Webster Ye
Assistant Secretary, Health Policy