



6811 Campfield Road
Baltimore, MD 21207

TO: The Honorable Shane Pendergrass
Chairwoman, Health and Government Operations Committee

FROM: LeadingAge Maryland

SUBJECT: House Bill 276, Congregate Care Facilities - Visitation

DATE: February 2, 2021

POSITION: Unfavorable

LeadingAge Maryland writes to request an unfavorable report on House Bill 276, Congregate Care Facilities – Visitation.

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.

Under House Bill 276, a congregate care facility must allow a patient's or resident's family member to visit the patient or resident, unless the facility reasonably determines that the presence of a particular visitor would endanger the health or safety of a patient, resident, or member of the facility staff. If a congregate care facility determines that an in-person visit would endanger the health and safety of a patient, resident, or member of the facility staff, the facility shall allow for an alternative means of communication with the family member, including the use of audio or video calls.

LeadingAge Maryland appreciates the Sponsor's intent and we fully support family visitation. Social connection is vital to overall well-being, and we fully support and promote opportunities for residents to connect and visit with loved ones. Our members continually work to facilitate connection through technology, and whenever possible, in person visits. However, this legislation is overly broad – it applies to nursing homes, assisted living facilities and even residential treatment centers. During Non-COVID-19 times, there are ample opportunities and support for in person visitation. There are existing robust regulations and guidance that inform providers approach to visitation. There are both federal and state regulations and guidance that speak to visitation in nursing homes, state regulations for assisted living, and the State Ombudsman program through the Department of Aging to assist with ensuring residents rights in a variety of settings. Further, House Bill 276 fails to take into consideration whether the resident wants a family member to visit, if there is a court order prohibiting visitation, restrictions due to the past behavior of the family member and/or the mental well-being of the resident. It also does not take into account the complex nature of infection prevention and control related to COVID-19, existing visitation restrictions and guidance from CMS and Maryland Department of Health, testing, social distancing measures, and regulations a provider must adhere to if there is a current outbreak in their community, such as restricting visitation. There are valid reasons a provider may need to limit family visits and House Bill 276 does not allow for the flexibility needed to ensure the safety and well-being of residents and the community as a whole.

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for House Bill 276.

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