



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

TO: The Honorable Shane E. Pendergrass, Chair  
Members, House Health and Government Operations Committee  
The Honorable Neil Parrott

FROM: Danna L. Kauffman  
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DATE: March 4, 2021

RE: **OPPOSE** – House Bill 962 – *Washington County - Nursing Homes and Assisted Living Programs - Essential Caregivers*

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On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland, we **respectfully oppose** House Bill 962. House Bill 962 requires a nursing home or assisted living program to establish policies and procedures for indoor visitation for a designated essential caregiver but only for Washington County, like House Bill 806: *Health Facilities – Nursing Homes and Assisted Living Programs – Essential Caregivers*, which applies statewide.

So far, this will be the fourth bill heard by the Committee regarding visitation, illustrating the importance of this issue. As we have expressed, LifeSpan understands and shares the frustration felt by residents and family members regarding the restrictions on visitation imposed by State and local directives during the COVID-19 pandemic (based on CDC guidelines/CMS requirements). These restrictions have often placed communities in the crosshairs between compliance with the directives and the needs of family members and residents. **LifeSpan is committed to working with the Committee to draft a bill that balances the need for visitation against and the requirements imposed by MDH (based on CDC/CMS).**

LifeSpan would like to emphasize again that prior to the COVID-19 pandemic, visitation within communities **was not a systemic issue** because it is a core resident right. COMAR 10.07.14.35 (assisted living programs) and COMAR 10.07.09.08 (nursing homes) both state that a resident has the right to meet or visit privately with any individual that the resident chooses, subject to reasonable hours and locations. For nursing homes, the federal law is more restrictive and states that “[t]he resident has a right to receive visitors of his or her choosing at the time of his or her choosing, subject to the resident’s right to deny visitation when applicable, and in a manner that does not impose on the rights of another resident.” The federal law contains specific guidance on when visitation can be limited under reasonable clinical and safety restrictions. *See Federal Code - Section 483.10(f)(4)*. Unfortunately, even with the above-referenced laws protecting visitation rights, during the COVID-19 pandemic, the federal and State directives superseded these laws. Therefore, we urge an unfavorable vote on this bill.