



Hospice & Palliative Care Network  
OF MARYLAND

To: The Honorable Shane E. Pendergrass, Chair  
Members, House Health and Government Operations Committee  
The Honorable Shaneka Henson

From: Danna L. Kauffman  
Pamela Metz Kasemeyer  
J. Steven Wise

DATE: February 2, 2021

RE: **OPPOSE** – House Bill 276 – *Congregate Care Facilities - Visitation*

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On behalf of the Hospice & Palliative Care Network of Maryland (HPCNM), we **oppose** House Bill 276 and request to be removed from the bill's provisions. House Bill 276 creates a broad definition of congregate care facilities and states that a congregate care facility shall 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. The bill specifically includes a hospice facility.

Hospice services are offered in three settings: 1) home-based hospice; 2) hospice services delivered by an agency when the patient resides in a nursing home or assisted living; and 3) a separate hospice facility, otherwise known as a hospice house. The mission of hospice is not just to provide end-of-life care to a patient but to help family members understand, prepare for, and support each other and the patient during this difficult time. Visitation with loved ones is the cornerstone of this process.

Given the emphasis of visitation in hospice, HPCNM's opposition is simply grounded in our concern that the bill's provisions are duplicative and may be inconsistent with current State regulations and Medicare requirements, which already address visitation. COMAR 10.07.22.16 states that a patient residing in a hospice house has the right to meet or visit privately with any individual the patient chooses in accordance with patient and facility safety. In addition, because hospice is a federally certified program, hospice houses must comply with federal Conditions of Participation, which mandate visitation.

Section 418.110 states:

**(f) Standard: Patient areas.** The hospice must provide a home-like atmosphere and ensure that patient areas are designed to preserve the dignity, comfort, and privacy of patients.

**(1)** The hospice must provide -

**(i)** Physical space for private patient and family visiting;

**(ii)** Accommodations for family members to remain with the patient throughout the night;  
and

**(iii)** Physical space for family privacy after a patient's death.

**(2)** The hospice must provide the opportunity for patients to receive visitors at any hour, including infants and small children.

Given the above-referenced requirements mandating visitation, it is unclear how a hospice would interpret the qualifier of “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.” This is a broad statement. Hospice does have policies involving individuals that may exhibit behaviors that would be detrimental but, given the mission of hospice, this is done in extreme situations.

On these points, we would respectfully request that hospice facilities be removed from this bill. Visitation is clearly required in hospice as per State regulations and federal Conditions of Participation and is a cornerstone of the mission of hospice.

**For more information call:**

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