



*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 Shaneka Henson

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: February 2, 2021

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

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 **respectfully oppose** House Bill 276. 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. Our comments are directed to the nursing homes and assisted living communities.

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. These restrictions have often placed communities in the crosshairs between compliance with the directives and the needs of family members and residents. Prior to the COVID-19 pandemic, visitation within communities was not an 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).*

Therefore, it is unclear how this bill will further advance visitation. Rather, there is a concern that, given the above-referenced requirements on visitation, an additional layer will cause confusion and inconsistency in the application of the law. For these reasons we urge an unfavorable vote.