



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

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February 24, 2022

The Honorable Delores G. Kelley
Chair, Senate Finance Committee
3 East Wing
Miller State Office Building
Annapolis, MD 21401

Re: Support for Senate Bill 624: Assisted Living Referrers - Requirements and Prohibitions

Dear Chair and Members of the Committee:

Thank you for the opportunity to testify in support of SB 624. An Assisted Living Referrer is a fee-paid individual or an agency that refers sick and/or disabled individuals to a licensed Assisted Living Facility.[1] This bill will establish vital protections for vulnerable adults exploring assisted living facilities as a place to live while receiving long-term care.

SB 624 will prevent fee-paid Assisted Living Referrers from exerting improper influence over these individuals. MLA is submitting written testimony in support of SB 624 at the request of Senator Hettleman.

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. MLA handles civil legal cases involving a wide range of issues, including family law, housing, public benefits, consumer law, and criminal record expungements. Maryland Legal Aid frequently represents and advocates for older adults and people with disabilities in accessing Medicaid, long-term care, and their rights concerning nursing homes and assisted living facilities.

Clients of Assisted Living Referrers are sick persons or persons with disabilities seeking residence in an Assisted Living Facility. These individuals deserve common-sense protections that ensure their safe transition and safe placement. The protections in SB 624 will add safeguards to the referral process. These clients and their families rely on Referrers to navigate the Assisted Living Facility marketplace, which may include hundreds of facilities that offer a spectrum of sizes, services, and levels of care.

Assisted Living Facility residents live with disabilities, whether cognitive, mental, and/or physical. An Assisted Living Referrer has power over the selection process, even if the client has a support system in place. These protections in the

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Bill include criminal background checks on all Referrer employees and specific contract requirements that protect vulnerable Marylanders when accessing the care they need. SB 624 adds protections to the relationship between a disabled person and a Referrer that will impact and safeguard older adults and individuals living with disabilities.

MLA's clients rely on these services for emergency placements. The emergency can open vulnerable adults to unscrupulous individuals that enter the relationship under false pretenses and who may exert undue influence. For example, one MLA client, Mr. J, was facing an eviction from his current assisted living facility. He received a notice, but it did not meet Maryland's minimum legal requirements.

The MLA attorney remedied this issue and negotiated an extension for Mr. J's move-out date. Mr. J did not have family or friends to support him and was overwhelmed with the process of finding a new Assisted Living Facility that would meet his unique needs. An Assisted Living Referrer helped him to expedite and organize his search process. The attorney noted that the Referrer offered a vital service but had substantial influence and control over Mr. J's selection process. By enacting SB 624, individuals like Mr. J could feel confident that they are aware of their rights and receive impartial, objective information from the Assisted Living Referrer.

Maryland Legal Aid supports SB 624. The Bill would add common-sense protections for individuals seeking long-term care services at an assisted living facility. These protections safeguard older adults and people with disabilities from receiving improper or undue influence by an Assisted Living Referrer.

Thank you for considering this written testimony. For the reasons stated above, **MLA urges a favorable report on SB 624.**

Sincerely,

/s/Alle Andresen

Alle Andresen

Long Term Assistance Project Attorney

[1] The fee is paid by an Assisted Living Facility.