



March 31, 2022

The Honorable Shane Pendergrass
Chair, House Health and Government Operations Committee
Room 241, House Office Building
Annapolis, MD 21401

Re: Letter of Information - Senate Bill 824 - Health - Accessibility of Electronic Advance Care Planning Documents

Dear Chair Pendergrass and Members of the House and Government Operations Committee:

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to comment on Senate Bill 824. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state.

Senate Bill 824 requires the Maryland Health Care Commission to coordinate the accessibility of electronic advance care planning documents in the State; requires health care facilities, nursing homes, assisted living facilities, managed care organizations, and carriers to take certain actions relating to electronic advance care planning documents; and requires the Motor Vehicle Administration to submit a report regarding the implementation of certain provisions of law relating to advance directives.

As many residents and patients in long-term and post-acute care are older, may be disabled, or have some form of dementia, advance care planning documents are commonplace and are often created or updated for those cared for in our settings. It is critical to ensure that a resident's or patient's preferences are formally documented to facilitate care planning and stimulate family conversations on this important topic in any way we are collectively able.

We are generally supportive of electronic advance care planning documents and encourage their use, when appropriate, in our setting and settings across the care continuum. However, we do have concerns that mandating the requirements outlined in this legislation would be overly burdensome for nursing homes and assisted living facilities – especially at a time when they are already short-staffed and are continuing to fight the COVID-19 pandemic.

For example, the admissions process to a nursing home or assisted living facility already requires much necessary documentation. Health care facilities do check for advance care planning documents and update these documents as needed. However, there are many times when it may not be feasible for paper documents to be scanned and uploaded upon a new admission.

In addition, those in long-term care settings may not always want nor be able to access electronic documents. Many residents and patients in our setting simply are not connected electronically. While

most nursing homes have a website, it may not be feasible for residents to access the website to create, execute, and store advance planning documents.

Again, we are generally supportive of electronic advance care planning documents and appreciate the opportunity to express our concerns about implementation of this legislation's requirements for nursing homes, assisted living, and other health care providers.

Thank you for your consideration of this issue. We look forward to our continued work together.

Be well,

Joseph DeMattos, Jr.
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