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In Senior Care and Services*

TO: The Honorable Shane E. Pendergrass, Chair
Members, House Health and Government Operations Committee
The Honorable Joseline A. Pena-Melnyk

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: February 24, 2022

RE: **SUPPORT WITH AMENDMENT** – House Bill 1034 – *State Board of Examiners of Nursing Home Administrators – Renaming and Licensure of Assisted Living Managers*

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 **support with amendments** House Bill 1034. This bill requires assisted living managers to be licensed by the Board of Long-Term Care Administrators (currently known as the Board of Examiners for Nursing Home Administrators).

The assisted living regulations provide minimum standards that must be followed to deliver quality services to residents in assisted living programs. The regulations cover those providing care to as few as two residents up to those providing care to over 100 residents. Enforcement of these existing minimum standards is necessary to assure quality of care to residents.

These standards currently address requirements for serving as an assisted living manager. Assisted living programs must employ individuals who have taken the 80-hour assisted living manager course and have met certain other training and education standards. Failure to employ a certified manager is subject to a \$10,000 civil money penalty. However, the regulations do not impose any separate disciplinary actions on managers, only the programs.

To ensure consistency between the assisted living program regulations and the provisions in House Bill 1034, we propose the following amendments:

- **Board Structure**: The proposal places assisted living managers under the Board of Examiners for Nursing Home Administrators and changes the name to the Board of Long-Term Care Administrators. As drafted, the proposal has six nursing home

administrations and three assisted living managers. The amendment would provide an equal number of nursing home administrators and assisted living managers serving on the Board.

- **Training Requirements:** The proposal states that training and examination requirements will be determined and/or approved by the Board. The proposal also states that, in addition to a state examination, the applicant will need to take a federal exam from the National Association of Boards of Long-Term Care. The amendment would apply the current requirements of 80 hours initial certification and 20 hours of continuing education requirements as specified under Section 19-1807 of Health-General Article. The requirement for a state exam will stay in place but the federal examination requirement will be removed.
- **Education Requirements:** The proposal states that the education requirements will be developed by the Board. Like the training requirements, the amendment will cross-reference current education requirements that must be satisfied to be an assisted living manager.
- **Grandfathering Provision:** The amendment will tighten the grandfathering provision for training and education by grandfathering in those who have satisfied for the requirements before October 1, 2022, including those who were originally grandfathered under Section 19-1807 of the Health-General Article. The amendment will also address the appointment of a replacement manager.
- **Implementation Timeline:** The amendment will require that the Board submit a status report to the House Health and Government Operations Committee and the Senate Finance Committee on Board appointments, allocation of personnel pins and hiring, status of necessary software changes, process for grandfathering individuals, and any other items for implementation of licensure by December 1, 2022. This is to ensure that the steps are in place prior to acceptance of licensure applications.

For more information:

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