



6811 Campfield Road
Baltimore, MD 21207

TO: The Honorable Shane Pendergrass
Chairwoman, Health & Government Operations

FROM: LeadingAge Maryland

SUBJECT: House Bill 216, Washington County - Nursing Homes and Assisted Living Programs - Essential Caregivers

DATE: February 17, 2022

POSITION: **Unfavorable**

LeadingAge Maryland opposes House Bill 216, Washington County - Nursing Homes and Assisted Living Programs - Essential Caregivers.

LeadingAge Maryland is a community of more than 135 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, public agencies, faith communities and others who care about aging in Maryland.

House Bill 216 authorizes indoor visitation of an "essential caregiver" at a nursing home or assisted living program in Washington County. Each nursing home and assisted living program must establish policies and procedures authorizing indoor visitation from an essential caregiver. A nursing home or assisted living program may consult with the local health officer for the jurisdiction in which the facility is located when establishing policies and procedures.

An essential caregiver must, in a timely manner, inform the staff of the nursing home or assisted living program if the essential caregiver develops any symptom of a potentially transmissible illness. An essential caregiver may transport the patient or resident outside the nursing home or assisted living program for essential medical appointments. If a patient or resident is quarantined, an essential caregiver may not visit the patient or resident until the quarantine ends. A nursing home or assisted living program may restrict or revoke essential

caregiver status if the essential caregiver does not follow the rules and policies of the nursing home or assisted living program or the direction of staff.

LeadingAge Maryland appreciates the Sponsor's intent. Our members continually work to facilitate connection between residents and caregivers while also protecting the wellbeing of all who live in the community. Nursing homes and assisted livings currently follow detailed regulations and guidance related to visitation that are based on best practices for infection prevention and control, while also honoring residents rights and promoting social connection.

In fact, last year, the General Assembly passed House Bill 983, which requires the Maryland Department of Health (MDH), consistent with federal requirements, to develop specified guidelines relating to restrictions on visitation that a nursing home may impose to reduce the spread of COVID-19 or another disease that constitutes a "catastrophic health emergency." Our members follow this mandate.

Visitation at communities was a non-issue prior to the pandemic, and guidance and precautions have evolved to better support visitation. We now have testing, vaccines, and ample PPE that allow nursing homes and assisted livings to safely facilitate in-person visits and time with loved ones. An "essential caregiver" for a resident could be identified now. A resident of a nursing home or assisted living programs have the right to meet or visit privately with anyone, subject to reasonable hours and locations (See COMAR 10.07.14.35; COMAR 10.07.09.08). Federal law goes even further with nursing homes and allows the resident to meet visitors at a time of their choosing as long as it does not impose on the rights of another resident. Should issues arise, the State Ombudsman program through the Department of Aging assists with ensuring residents rights in a variety of settings. CDC and CMS regularly update guidance for visitors to nursing homes, which reflect most current information related to preventing the spread of COVID-19. The caregiver and visitation options that this bill outlines are already actionable today. Establishing a separate and additional layer for visitation in just Washington County will create confusion in practice.

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for House Bill 216.

For additional information, please contact Aaron J. Greenfield, 410.446.1992