



576 Johnsville Road
Sykesville, MD 21784

TO: Health and Government Operations
FROM: LeadingAge Maryland
SUBJECT: Senate Bill 804, Continuing Care at Home - Certificate of Need - Exemption
DATE: March 31, 2022
POSITION: **Favorable**

LeadingAge Maryland supports Senate Bill 804, Continuing Care at Home - Certificate of Need – Exemption.

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.

The population in Maryland, and across the country, continues to age. As we age, each of us wants the autonomy to make choices about where we live and our healthcare. More and more, we are seeing a trend of individuals preferring to age-in-place. In fact, according to a recent AARP survey, roughly 90% of American seniors wish to live at home for as long as possible. According to AARP, older adults “vastly prefer aging in place to facility care, even in cases where physical or cognitive decline makes it difficult to live independently.” Unfortunately, older adults do not always have access to the necessary supports and services to remain living independently and well in their own homes.

LeadingAge Maryland represents the vast majority of Continuing Care Retirement Communities (CCRC) in Maryland. In a CCRC, when an individual moves into a CCRC community, they have access to a continuum of living and care services to support them throughout their lifetime. Our members, not for profit organizations, are mission focused and invested in expanding supports and services outside of their four walls, and into the greater community. Continuing Care at Home (CCAH) is one model that has proved useful in meeting older adults where they are, reducing the need for costly nursing home care, and supporting older adults in aging well wherever they call home. Continuing care at home provides a retirement option for older adults who wish to continue living independently wherever they call home, with the assurance and peace of mind knowing that they have guaranteed lifetime access to a wide range of health care should their health needs ever change.

CCAH is growing in popularity across the country, currently there are 37 CCAH programs nationwide. 5 in PA, 4 in VA. The focus of CCAH is coordinated long-term care plan for healthy,

independent seniors who want to stay at home. CCAH is a more affordable option, has the potential to support different socio-economic and diverse groups of older Marylanders. Subscribers pay a onetime membership fee – a typically 75 year old individual might expect to pay \$26-66k to join, then between \$400-600 monthly. Services of a CCAH plan include: Care Coordination, Home Health Aides, Home Assessment, Companions, Live-in Companion / Home Health Aide, Assisted Living, Medication Management, and if needed, assisted living or skilled nursing care.

LeadingAge Maryland has sought to promote continuing care at home in the State as outlined in the State Health Plan Chapter at COMAR 10.24.20.07.

Specifically, for the benefit of our members, LeadingAge Maryland has sought clarity on whether a continuing care retirement community (CCRC) that establishes a continuing care at home (CCA) program through the Maryland Department of Aging (Aging) can use CON-excluded beds at the CCRC for the provision of nursing home care to the CCAH's subscribers. Several CCRCs in Maryland wish to pursue CCAH but want to be able to offer subscribers skilled nursing care on their own campus. Currently, this is not possible.

According to the Maryland Health Care Commission, CON-excluded beds at a CCRC cannot be used by a Continuing Care at Home member. In his analysis, Ben Steffen makes the point the statute refers to "furnishing shelter" and that there was no legislative intent to expand the CON-exclusion regarding CCF beds at a CCRC to CCAH subscribers. We also fully support the amended bill which provides a July 1, 2022 effective date as well as additional consumer protections. Senate Bill 804 allows an exemption to the existing pre-sales requirement if the provider meets the capital reserve requirements and either holds in escrow all entrance fees or maintains a surety bond or similar security in the amount of \$1,000,000.

While ensuring these important consumer protections are in place and in order to actually utilize CCAH in the State of Maryland, this legislation makes clear that a CCRC can establish a CCAH program and use CON-excluded beds at the CCRC for the provision of nursing home care to the CCAH's subscribers.

For these reasons, LeadingAge Maryland respectfully requests a favorable report on Senate Bill 804.

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