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SB 665 Assisted Living Programs – Unlicensed Programs – Resident Abuse and Neglect
Senate Finance Committee
FAVORABLE
March 16, 2023

Good afternoon, Chair Griffith and members of the Senate Finance Committee. I am Tammy Bresnahan, Senior Director of Advocacy for AARP MD. On behalf of our almost 900,000 members, we would like to thank you for the opportunity to speak in support of SB 665 Assisted Living Programs – Unlicensed Programs-Resident Abuse and Neglect. We thank the Attorney General for bringing SB 665 forward.

SB 665 requires the Maryland Department of Health, or a designee of the Department, to investigate whether residents in an assisted living program have been subject to neglect or physical abuse if the assisted living program is operating without a license. SB 665 also subjects assisted living programs operating without a license to immediate prosecution under the law and alters the factors that the State is required to consider when recommending the amount of penalty for operating an assisted living program without a license.

Assisted living facilities are designed for older people who are no longer able to manage living independently and need help with daily activities such as bathing or dressing, but do not require the round-the-clock health care that a nursing home would provide. Assisted living is there to offer that assistance, while maximizing their independence.

What we are all are familiar with is that assisted living facilities usually provide residents with their own apartments or rooms, as well as communal areas. They may offer around-the-clock supervision and a range of services, including meals, housekeeping, and laundry, as well as assistance with personal care and help with medications. What we have in Maryland is a sizable percentage of smaller assisted living facilities that provide level three care like what is provided in a nursing home.

In contrast to nursing homes, no federal quality standards exist for assisted living. Additionally, states vary significantly in their licensing requirements, quality standards, and monitoring and enforcement activities. In October 2000, the Oversight Committee on Quality of Care in Nursing Homes and Assisted-Living Facilities originated when the General Assembly established the Oversight Committee on Quality of Care in Nursing Homes.

The Committee adopted its present name on October 1, 2005, adding in Assisted Living. As a group who is represented on the Committee, it has been brought to the attention of the committee, problems in the smaller assisted living facilities, such as inadequately trained staff,

too few staff, unlicensed facilities, medication errors, and the admission and retention of individuals who need more care.

This proposed legislation will strengthen and give teeth to the attorney general so that bad actors who are doing terrible things in assisted livings are held accountable. For years, AARP and other advocates have been ringing the bell about bad actors who open assisted livings. Passing this bill, will give the state another tool in the toolbox to prosecute these bad actors.

AARP Maryland believes that state governments should conduct regular, thorough, and consistent oversight of long-term care including assisted living. Oversight should include evaluation of consumer outcomes and the quality of care.

AARP Maryland also believes that States should also ensure quality of care and quality of life for all consumers. The rights of the consumer should be protected in all long-term care settings including assisted living.

Additionally, States should establish licensing requirements to set provider standards, monitor service quality, and protect residents' rights. Residents' rights include those related to decision-making, choice, and complaint resolution. When noncompliance with regulations occurs, state regulators should be able to apply a range of sanctions. Sanctions can range from levying fines to banning new admissions, requiring a plan of correction, and revoking a facility's license and prosecution.

For these reasons, we ask the Committee for a favorable report on SB 665. If you have questions or comments, please contact Tammy Bresnahan at tbresnahan@aarp.org or by calling 410-302-8451.