

Bill: SB 0665 Assisted Living Programs – Unlicensed Programs – Resident Abuse and Neglect

Position: Support

March 15, 2023

The Maryland Long-Term Care Ombudsman program advocates for residents in nursing homes and assisted living facilities in Maryland. Ombudsmen work to resolve complaints that can have adverse effects on the quality of care, safety, health, and quality of life of the citizens that reside in these facilities. In Maryland, ombudsmen provide these services to the over 50,000 citizens that live and receive services in nursing homes and assisted living facilities.

It is important to consider who resides in an assisted living facility. An assisted living facility is defined as a facility that provides care to two more unrelated people that need assistance with activities of daily living such as bathing, dressing, medications. Additionally, many assisted living residents would meet the requirement for a nursing home level of care. For individuals that are Medicaid waiver recipients that reside in an assisted living facility, the resident does have a nursing home level of care. All assisted living facilities are required to have a license.

However, the current law is not enough of a deterrent because there are unlicensed assisted living providers. Would you want a member of your family to receive care in an unlicensed nursing home? Or to receive care for an unlicensed physician or nurse? I am sure that your answer is no, and you would agree that unlicensed assisted living facilities should not be allowed to operate. The ombudsman program continues to receive information about unlicensed assisted living facilities and those referrals are made to OHCQ and other agencies.

This bill is incredibly important because it will strengthen the current assisted living law. This bill adds additional safeguards when abuse occurs or if the provider does not cooperate with the investigation. In most cases, the unlicensed provider is aware of the requirements of licensure. Ignorance of the law should not be tolerated. An assisted living facility provider must complete all requirements for licensure and keep their license in good standing to care for residents. Residents must not reside in an assisted living home that is licensed. Again, would you tolerate a physician or nurse to practice without a license? Assisted living managers will soon have licenses and this will be an additional safeguard for residents. The law exists to protect the residents and to ensure the quality of care and quality of life of residents. This bill will provide a deterrent for those that wish to flaunt the law. The residents deserve to have a safe place to live, free of all types of abuse, neglect, and exploitation. This bill will expand the law to cover unlicensed assisted living facilities.

Discharge planners from all setting and assisted living referrers are required to send individuals to a licensed assisted living facility when an assisted living facility is needed. This law will

serve as a reminder to those professionals that it is not a safe discharge plan to send someone to a facility that is breaking the law. If they are breaking the law and operating as unlicensed facility, then one cannot expect them to provide proper care or to provide a safe environment.

I ask the Committee to consider my comments and offer a favorable report for this bill.

Sincerely,

Stevanne Ellis

Maryland State Long-Term Care Ombudsman