



576 Johnsville Road
Sykesville, MD 21784

TO: Health and Government Operations Committee
FROM: LeadingAge Maryland
SUBJECT: Senate Bill 665, Assisted Living Programs - Unlicensed Programs - Resident Abuse, Exploitation, and Neglect (The Senator Delores Kelley Residents of Unlicensed Programs Protection Act)
DATE: March 30, 2023
POSITION: **Favorable**

LeadingAge Maryland supports Senate Bill 665, Assisted Living Programs - Unlicensed Programs - Resident Abuse, Exploitation, and Neglect (The Senator Delores Kelley Residents of Unlicensed Programs Protection Act).

LeadingAge Maryland is a community of more than 140 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. Members of LeadingAge Maryland provide health care, housing, and services to more than 20,000 older persons each year. Our mission is to be the trusted voice for aging in Maryland, and our vision is that Maryland is a state where older adults have access to the services they need, when they need them, in the place they call home. We partner with consumers, caregivers, researchers, public agencies, faith communities and others who care about aging in Maryland.

Senate Bill 665 requires the Office of Health Care Quality to investigate whether residents in an assisted living program have been subject to neglect, exploitation or physical abuse, if the assisted living program is operating without a license. The bill subjects assisted living programs operating without a license to immediate prosecution if they fail to cooperate. The Department must provide written notice to the unlicensed assisted living program that it must come into compliance with the licensure requirements within 30 days after written notification. The Department, the Attorney General, a state's attorney, or a local health officer may petition a circuit court for injunctive relief against the operation of an assisted living program operating without a license.

Currently, an individual found to be operating an unlicensed assisted living facility (uALF) is given a 30-day grace period to apply for a license. While the application is pending, the individual cannot be prosecuted for operating. This loophole allows unscrupulous owners to continue operating substandard facilities for extended periods of time by gaming the application system by using multiple names.

Abuse, neglect, exploitation of residents within an uALF may be addressed criminally. Unfortunately, those investigations take time, during which an uALF that has applied for a license may continue to operate. Senate Bill 665 would close the loophole by eliminating the 30-day grace period for those uALFs where the Office of Health Care Quality (OHCQ) finds a credible allegation. Owners found to be operating in this manner would be subject to immediate prosecution as well as injunctive relief to prevent their continued operation. Owners of uALFs who refuse to cooperate in OHCQ investigations would likewise lose access to the 30-day grace period and be subject to prosecution. Unlicensed ALFs that are not suspected of abuse, neglect, exploitation or those where a subsequent investigation finds the claims unsubstantiated will be provided the 30-day window to apply for a license as the current statutory framework provides.

Maryland is not unique in its need for assisted living facilities, which meet a vital need in our healthcare system in the state. Senate Bill 665 is intended to encourage uALFs to become licensed.

For these reasons, LeadingAge Maryland respectfully requests a favorable report on Senate Bill 665.

**For more information, please contact Aaron J. Greenfield, Greenfield Law, LLC,
410.446.1992**