



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

SB 952

Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions
In the Finance Committee - Hearing on March 7, 2024

Position: FAVORABLE

Maryland Legal Aid submits its written and oral testimony on SB 952 at the request of the Maryland State Long-Term Care Ombudsman, Ms. Stevanne Ellis.

Maryland Legal Aid (MLA) asks that the Committee report **favorably and pass** SB 952, which expands reporting responsibilities to the Office of HealthCare Quality (OHCQ), including requiring OHCQ to create a user-friendly database of licensed Assisted Living Facility (ALF) programs and makes Assisted Living Referrers subject to the Health Insurance Portability and Accountability Act (HIPAA), ensuring greater protection and confidentiality of sensitive personal identifying information.

MLA is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our twelve offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including representation of adults residing in nursing home and assisted living facilities, in cases relating to health care access, long-term care, evictions from those facilities, and debt collection.

Subsequent to receiving care in a skilled nursing facility, some of our clients desire more independence. Some other clients need assistance with Activities of Daily Living that cannot be managed independently. In both situations, the decision to transfer to a new setting and identify a facility that meets quality, geographic, and financial requirements, is challenging. Evaluating dozens of facility options while managing medical needs is a complex process. Many of our clients seek assistance from assisted living referral (placement) agencies. Sometimes a patient awaiting hospital discharge needs placement at an assisted living facility. They might utilize an ALF referrer/placement agency. These referrers often are incentivized by financial payment. Even though referrers are required to disclose all financial relationships they have with particular ALF programs, misleading information certainly exists. This threatens the health, safety, and stability of the resident.

MLA recommends that the bill could be improved by a provision that potential resident visits can be made unannounced. Potential residents and family members should be able to see a facility as is, without special notice, or advance preparation. A potential resident should be able observe existing staffing levels and how they treat the residents, and facility cleanliness.

The bill will enable consumers to be able to easily access and rely on the state data to obtain accurate information. These resources often exist but are difficult to access. For example, the list of licensed ALFs is on OHCQ's website, but the data is often challenging to access. Also, coordination between agencies is lacking, and the information is frequently inaccurate or unreliable.

The Maryland Health Care Commission (MHCC)¹ maintains a database of assisted living facilities. We recommend that OHCQ link the more robust MHCC database of licensed ALFs on its website, which will enable consumers to verify information provided from a referrer. It will also empower people to make decisions based on impartially maintained data.

We cite an example of the impact on the current system. One of our clients resided in an ALF but was evicted with 30 days' notice. He had no family support to help him, and his current placement had no obligation to assist. He had to turn to a referrer for assistance - or he would have ended up on the street. This referrer placed him at an ALF where he experienced poor care, retaliation against complaints, and a bed bug infestation. If the law provided our client more protections, and more transparency in the selection process, he could have accessed data and avoided the poor care and resulting trauma that he experienced.

Maryland Legal Aid urges the Committee to issue a FAVORABLE report and PASSAGE of SB 962. If you have any questions, please contact Cornelia Bright Gordon, cbgordon@mdlabor.org.

¹ <https://healthcarequality.mhcc.maryland.gov/>