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**SB 863 Office of the Attorney General – Rights of Residents of Health Care Facilities –
Injunctive Relief and Penalties
FAVORABLE
Senate Finance Committee
March 1, 2024**

Good afternoon, Chair Beidle and members of the Senate Finance Committee. I am Tammy Bresnahan. I am the Senior Director of Advocacy for AARP Maryland. AARP, which advocates for the more than two million Marylanders age 50 and older supports with enthusiasm SB 863 and we thank Attorney General Brown for bringing this bill forward.

SB 863 authorizes the Attorney General to seek injunctive relief on behalf of the State based on an imminent or ongoing violation of the rights of residents in assisted living facilities. SB 863 authorizes the Attorney General to request a court to impose a civil penalty on an assisted living program for certain violation. It requires that the resident bill of rights for assisted living program residents include certain rights.

In Maryland there are over 1700 Assisted Living Facilities (ALFs) compared to the state's 230 nursing homes. ALFs unlike nursing homes are not regulated by the federal government. ALFs are only regulated by the State.

In 2005, The Maryland Office of Health Care Quality (OHCQ) issued a report entitled Maryland's Assisted Living Evaluation. The report confirmed that residents in ALFs are frailer and have more memory issues than when OHCQ began regulating ALFs in 1996. They estimate in 2005 that two-thirds of residents in assisted living programs had moderate to severe dementia and less than half receive adequate treatment for their condition. Most residents have multiple medical diagnoses, some debilitating, and take, on average, 9-14 medications per day. While nursing homes are highly regulated and have a multitude of requirements, ALF staff have no such requirements or limited requirements to have medically trained staff for those residents living in Maryland assisted living.

Additionally, regulations for Maryland ALFs have not been updated since 2008. AARP Maryland and other advocates have asked that these regulations be updated. It is now 2024 those regulations have not been updated. AARP believes that changes should be addressed by the regulations, including better training to help staff deal with patients with memory issues, as well as those with mental health issues; better consumer protections around price increases and evictions; and a minimum staff-to-resident ratio is also needed.

In addition, without updated regulations enforcement lacks. SB 863 will offer residents living in ALFs and their families' rights that they have not had thus far.

For these reasons, AARP Maryland supports SB 863, and we respectfully ask the committee for a favorable report. If you have questions or follow up, please contact me at tbresnahan@aarp.org or by calling 410-302-8451.