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THE SENATE OF MARYLAND  
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TESTIMONY OF SENATOR SHELLY HETTLEMAN  
SB 952 ASSISTED LIVING PROGRAMS - ASSISTED LIVING REFERRERS  
REQUIREMENTS AND PROHIBITIONS

Assisted Living Facilities have become the fastest-growing sector of the US long-term care market.<sup>1</sup> The U.S. Census Bureau estimates that 22% of Maryland's population will be 60 and older by the year 2030.<sup>1</sup> It is expected that there will be increased demand for senior living communities as the population ages.<sup>1</sup> However, the Maryland Office of Healthcare Quality has investigated several cases where the practice of placing individuals in assisted living facilities through referral agencies resulted in elder abuse and neglect.<sup>2</sup> **The goal of SB 952 is to build on the prior work of the General Assembly and enact effective means of protecting and preventing the exploitation and abuse of Maryland's older adults.**

Many assisted living residents have chronic health issues and may have serious cognitive and physical disabilities, making them vulnerable to abuse, neglect, and exploitation. In 2020, the Maryland Long Term Care Ombudsman Program received 283 abuse allegations.<sup>3</sup> National data demonstrates that abuse in long-term facilities is frequently underreported, indicating that these numbers may be lower than the actual incidents of abuse across the state.<sup>1</sup> Increased oversight among assisted living facilities is correlated with lower incidents of abuse, neglect, and exploitation.<sup>1</sup>

Many families seeking information about Assisted Living communities reach out to referral agencies – entities that connect older adults with senior living communities. Assisted living referral agency (ALRA) services range from a brief call and sending a list of communities, to completing a full medical and financial assessment, presenting a list of safe communities, in-person touring and assisting with all medical paperwork and follow-up after placement. However, agencies in Maryland are largely unregulated. The bill seeks to create a baseline standard for all ALRAs and create guidelines to establish transparency, fairness, and quality.

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<sup>1</sup> Magruder, Karen J., Noelle L. Fields, and Ling Xu. 2019. "Abuse, Neglect and Exploitation in Assisted Living: An Examination of Long-Term Care Ombudsman Complaint Data." *Journal of Elder Abuse & Neglect* 31 (3): 209–24. <https://doi.org/10.1080/08946566.2019.1590275>.

<sup>2</sup> CNS Staff. 2016. "Why Do People End up in Unlicensed Assisted Living Homes?" CNS Maryland. September 27, 2016. <https://cnsmaryland.org/2016/09/27/why-do-people-end-up-in-unlicensed-nursing-homes/>.

<sup>3</sup> "Ombudsman Program." n.d. Maryland Department of Aging. Accessed February 17, 2022. <https://aging.maryland.gov/Pages/state-long-term-care-ombudsman.aspx>.

SB 952 is meant to professionalize the practice of ALRAs and prevent abuse and misconduct. It

SB 952 is meant to professionalize the practice of ALRAs and prevent abuse and misconduct. It expands upon legislation passed in 2020 which established transparency around practices of ALRAs for the benefit of consumers. **This bill establishes standards and requirements for those who refer individuals to assisted living programs:**

1. Mandating of criminal background checks of employees
2. Transparency regarding contractual relationship between referrer and client
3. Possession of General Liability Insurance
4. Adherence to HIPPA requirements when sharing medical information
5. Facilitation of tours for the client and their family with representatives present from both the referrer and the assisted living program – (we are going to amend this out)
6. Maintenance of a database of licensed assisted living programs by the Office of Health Care Quality which is accessible to referrers – (this has already occurred, so we will amend out)
7. Prohibition of referrers requesting payment for referrals made more than 1 year ago

As the number of older adults needing the services of assisted living communities grows, we need to ensure that abuses in the system are mitigated. This bill aims to protect older adults and their families in what can be a very stressful time. These protections are critical to preventing the exploitation of Maryland families, and I ask for your support of SB 952. Thank you.