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Bill: SB 863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties

Committee: Senate Finance Committee

Position: Favorable

Date: March 1, 2024

On behalf of the more than 110,000 Marylanders living with Alzheimer's and the nearly 250,000 caregivers, the Alzheimer's Association supports *SB 863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties* and urges a favorable report.

SB 863 will allow the Attorney General to seek injunctive relief on the basis of an imminent or ongoing violation of the rights of residents at certain health care facilities. The bill also updates the minimum requirements for the bill of rights for residents of assisted living facilities to include key items such as "the right to be treated with consideration, respect, and full recognition of human dignity and individuality", "the right to participate in decision making regarding transitions in care [...]", and "the right to be free from physical and chemical restraints, except for restraints that a physician authorizes of a clearly indicated medical need."

The Alzheimer's Association supports efforts to protect and enhance the lives of individuals in care settings. The right to be treated with respect, dignity, and individuality creates a care setting that respects an individual's sense of autonomy, even as their cognitive capacities decline. Furthermore, many individuals with mild or moderate dementia retain the capacity to make sound decisions. For instance, an individual living with Alzheimer's or another dementia may lack capacities to drive or live independently, but can retain the ability to make sound decisions about medical care.

While a bill of rights establishes standards for respect and dignity, unfortunately, individuals living with Alzheimer's or another dementia are especially vulnerable to violations of these rights or abuse in care settings because the disease may prevent them from reporting or recognizing it. Allowing the Office of the Attorney General to enforce penalties provides more oversight in care settings, especially as the Office of Health Care Quality is experiencing staffing shortages and a backlog in surveying assisted living facilities. Beyond SB 863, the Association also notes that dementia-specific training and regulations in care settings is essential for providing quality care. We look forward to the upcoming release of the proposed Assisted Living Regulations.

The Alzheimer's Association is committed to supporting efforts to protect and enhance the lives of individuals in care settings and urges a favorable report on SB 863. Please contact Megan Peters, Director of Government Affairs at mrpeters@alz.org with any questions.