

Bill: SB 613

State Board of Long-Term Care Administrators - Requirements for
Assisted Living Managers

Position: Support with Amendments

February 28, 2024

The Maryland Long-Term Care Ombudsman program advocates for residents in nursing homes and assisted living facilities in Maryland. Ombudsmen work to resolve complaints that can have adverse effects on the quality of care, safety, health, and quality of life of the citizens that reside in these facilities. In Maryland, ombudsmen provide these services to the over 50,000 citizens that live and receive services in nursing homes and assisted living facilities.

I am a member of this board, but I am testifying as the State Long-Term Care Ombudsman because of the importance of this bill related to the quality of life and protection of residents in assisted living facilities.

I am concerned about the complaints residents raise, especially those that are the result of an action or inaction by the assisted living manager. Because of this, assisted living managers need licenses. The Long-Term Care Ombudsman Program has examples of cases where residents in assisted living facilities were not treated with dignity, suffered abuse and exploitation, were trafficked for benefits, were not involved in decision making related to their care or finances, and were discharged inappropriately. When these rights are violated, it can often lead to very serious, devastating, and at times life threatening or deadly situations. There are providers that take away basic resident rights and create their own "house rules". We see providers restricting visitors, outings, meals, and have inappropriate access to the resident's money all the time.

I recommend that the committee review the history of this bill. I was thrilled when it became law because in addition to resident protections there would be standards that would allow assisted living managers to be held professionally accountable for the first time. This is critical for the assisted living manager and to help ensure the quality of care of the residents.

It should be also noted that many of the complaints cited by the Office of Health Care Quality are related to the assisted living manager not having the qualifications for the role.

I am requesting a favorable report of this bill with amendments. I do want the Board to be successful in implementing the requirements of the bill. I agree with extending the date of the bill until the end of 2025 to give the Board more time. I believe waiting until 2026 is too long. I want to stress that many residents in assisted living facilities require the same level of care as nursing home residents and deserve to have qualified assisted living managers that have the professional standards required by this bill. I respectfully request that this date be reconsidered. If at the beginning of 2025 it looks like there will be delays in implementing the requirements of this bill, I am requesting that the Board be granted an extension until 2026.

Additionally, because of the complex nature of the work of the assisted living manager, I believe that the language be added to the bill to limit the number of virtual hours for training. Virtual training should only be a substitute when direct faculty interaction is not needed.

Finally in section in the following section:

9-401. 19 (a) Except as otherwise provided in this title, an individual may not: 20

(3) Practice, attempt to practice, or offer to practice as an assisted living 21

manager in this State unless licensed by the Board; or 22 (b) (3) If the Board finds a violation of subsection (a)(3) of this section on or 23 before [September 30, 2025] JUNE 30, 2027, the Board shall provide the individual with 24 written notice and a 60–day period to comply with the licensure requirement before 25 imposing the fine.

I am requesting that this date be the same date that the law goes into effect.

We are seeing an increase in assisted living facility complaints often because of the assisted living manager. These complaints are often egregious and in addition regulatory violations, they are criminal acts. I am terribly worried about these providers and the harm they are causing residents and the residents' families.

This law will add additional protections and help ensure the quality of care and quality of life of residents in assisted living facilities. This is what the residents deserve.

I respectfully ask for my comments to be considered and offer a favorable report for this bill with the amendments I am proposing.

Sincerely,

Stevanne Ellis

Maryland State Long-Term Care Ombudsman