

Written testimony for Finance Committee SB 952 Ren

Uploaded by: Catherine Renaud

Position: FAV

Written testimony for Finance Committee, Senate bill 952

Support: Favorable

Bunny Renaud
College Manor
300 West Seminary Ave
Lutherville, MD 21093

Hi my name is Bunny Renaud. I am the Assisted Living Manager and Director of Nursing of a 99-bed assisted living facility that has been open since 1952. I am also a RN and have been in this industry for 35 years.

I agree with Patrick that we are seeing a much higher level of acuity or medical needs of clients at College Manor. We need to review much more medical information before accepting clients.

Placement companies that receive permission from the seniors or their families to access and then review medical information will send us clients they know we can accept and take care of. It saves the senior and family time and energy going to those communities that can take care of them.

I have learned that not every placement company is the same. We have signed contracts with those placement companies I am confident are "doing the right" thing for their clients.

We have worked with companies that you may have seen on TV who, for us, are nothing more than a database, a list to be on. They consider that they are contracted to any client if that client supplies them with their email address in an inquiry. They command a hefty fee from us if there is a move in, but they have done nothing more than supply our name to the client. The placement company, however, earns their fee by a personal relationship helping with the process with the client and or responsible parties and the facility. There is so much more skill to this process than providing a list.

Many times, the family is unaware that they are working with an online company. They may have searched over **a year ago** by providing an email address. The issue is that the client's medical needs have changed and now the family wants to work with a local provider. The online company still wants College Manor to honor that referral, years later. This confusion causes the Assisted living challenges. I support and in favor of this bill to help the clients and the communities promote transparency with who they are working with during this process.

Assisted Living Amendment.pdf

Uploaded by: Cheryl Pasteur

Position: FAV



HB1263/723222/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

01 MAR 24
16:48:04

BY: Delegate Pasteur
(To be offered in the Health and Government Operations
Committee)

AMENDMENTS TO HOUSE BILL 1263
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “checks,” insert “and”; in line 7, strike “, and assisted living program tours”; and in line 10, strike “for a certain purpose”.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 23 through 29, inclusive; in line 30, strike the brackets; and in the same line, strike “**(D)**”.

On page 3, in line 9, strike the brackets; in the same line, strike “**(E)**”; in line 12, strike “**(F)**” and substitute “**(E)**”; and strike beginning with “**AND**” in line 13 down through “**DATABASE**” in line 14.

Testimony Asst. Living Pg. 1.pdf

Uploaded by: Cheryl Pasteur

Position: FAV

HB1263 Assisted Living Programs-Assisted Living Referrers-Requirements and Prohibitions

Greetings Chair Pena- Melnyk, Vice Chair Cullison, and members of Health and Government Operations.

Last year, in my testimony in about the Taskforce on the Prevention of Elder Abuse, I read that Assisted Living Facilities have become the fastest growing sector of the country's long term care market. Seeing so many of my friends opting out of their houses and into senior living communities, particularly with levels of care, from independent to assisted to memory care living, it is no surprise that the number of referral agencies are, also, cropping up. The unfortunate reality is that with those numbers increasing, legitimate referral services must compete with those which are absent of the integrity and care we would hope would be present for the care of our elderly residents. HB 1263 is to use the previous work of the General Assembly and enact effective means of protecting and preventing abuse of any sort of our elders.

Whether the residents and /or their families move into senior facilities because of health issues, cognitive or physical, as one who needs a level of assisted care or move to a facility to lessen the burden of maintaining a home, the expectation is that their lives will be easier and supported. This bill is toward assuring and ensuring that our elders are well cared for by those in their lives, professionally and personally. This bill is intended, as well, to safeguard these vulnerable citizens, who frequently underreport incidents of abuse, or who are just in a place which is not a good fit for them. This bill is not a hammer, meant to malign these referring companies. It is to hold all to guidelines which are consistent with other states and with other referral agencies, to include:

- Criminal background checks of employees
- Transparency in the relationship between the client and referrer, better serving their needs.
- General liability insurance
- An accessible database of licensed assisted living programs by the Office of Health Care Quality

Testimony Asst. Living Pg. 2.pdf

Uploaded by: Cheryl Pasteur

Position: FAV

HB 1263 is personal for me, yes, and it is meant only to professionalize the ALRAs and are transparent and equitable, offering the quality of life, dignity, and respect we all want but, particularly, in what is supposed to be the golden years. I ask for support for HB1263. Thank you.

Chairman, Health Care Quality Improvement Board, and members of the Health and Government Operations Committee

Last year in my testimony in support of the Task Force on the Prevention of Elder Abuse, I read that Assisted Living facilities have become the fastest growing sector of the country's long term care market. Seeing so many of my friends opting out of their houses and into senior living communities, particularly with levels of care from independent to assisted to memory care living, it is no surprise that the number of referral agencies are also cropping up. The unfortunate reality is that with those numbers increasing, legitimate referral services must compete with those which are absent of the integrity and care we would hope would be present for the care of our elderly residents. HB 1263 is to be the greatest work of the General Assembly and exact effective means of preventing and preventing abuse of any sort of our elders.

Whether the residents and for their families move into senior facilities because of health issues, cognitive or physical, as one who needs a level of assisted care or move to a facility to lessen the burden of maintaining a home, the expectation is that their lives will be easier and supported. This bill is toward assuring and ensuring that our elders are well cared for by those in their lives, professionally and personally. This bill is intended, as well, to safeguard the vulnerable citizens who frequently undergo incidents of abuse, or who are just in a place which is not a good fit for them. This bill is not a hammer meant to mangle these referring companies. It is to hold all to guidelines which are consistent with other states and with other referral agencies, to include:

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- Transparency in the relationship between the client and referral better serving their needs
- General liability insurance
- An accessible database of licensed assisted living programs by the Office of Health Care Quality

Maryland Legal Aid Testimony SB 952.pdf

Uploaded by: Cornelia Bright Gordon

Position: FAV



**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@mdlaboratory.org.

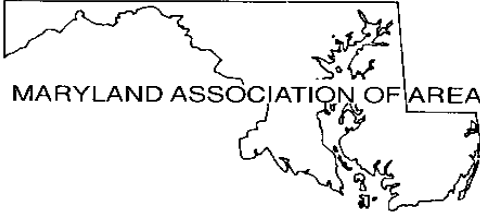
¹ <https://healthcarequality.mhcc.maryland.gov/>

M4A - 2024 SB 952 FAV - Assisted Living Referrers

Uploaded by: Gina Valentine

Position: FAV

M 4 A



Gina Valentine
President
Representing Carroll County
Bureau of Aging & Disabilities

Karen Winkowski, Vice President
Representing Harford County
Office on Aging

Laura Riley, Treasurer
Representing Baltimore County
Department of Aging

Karrisa Gouin, Secretary
Representing Anne Arundel County
Department of Aging and Disabilities

Finance Committee – Bill Hearing March 7, 2024

Legislation: SB 952 Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions

Position: Support

The nineteen member organizations of the Maryland Association of Area Agencies on Aging (M4A) serve Maryland's older and disabled citizens, providing a range of cost-effective state, federal and locally funded programs that help individuals remain secure in the community with dignity, independence, and choice as they age. M4A and its associated Area Agencies on Aging (AAAs) represent the "front line" in Maryland's challenge to meet the complex and varied needs of well over 1 million older adults statewide. M4A's goal is to ensure communication and collaboration with all partners to maximize the resources available to those we serve.

M4A supports Senate Bill 952 as we believe it will add protections for vulnerable adults who need care in assisted living facilities. In addition, we believe this bill will provide caregivers and care recipients with better supports and greater transparency when selecting a facility with the guidance of a referral service.

The decision to seek placement in an Assisted Living is a difficult one for most individuals and their families. This most often occurs at a time of high stress, when caregivers are overwhelmed and desperate for professional expertise so that they can make the very best decision for their loved ones. This is why it is critical that professional, for profit referral agencies be held to a very high standard of professionalism and integrity. Not all referral agencies function with the same standard of ethics and transparency and this can leave families and care recipients in compromised, even dangerous situations.

As the local resource for aging and disability resources, AAA offices receive phone calls from families who have, in good faith, acted upon placement guidance from referral agencies and have found themselves in very problematic situations. This includes placement in non-licensed care facilities, facilities ill-suited to the needs of their loved ones, and facilities with substandard care. Families are often unaware that referral services generally have contracts with facilities to drive placements and fill beds in the facilities with which they have contracts. Often the contractual

(over)

arrangements become the priority and the needs of the individual are lost. In addition, some families have found that their information is sold and they are subjected to a barrage of unwanted, sometimes aggressive marketing and/or scams.

There are many detrimental outcomes of an inappropriate placement but the turbulence and upset caused to an already vulnerable care recipient can be catastrophic. Arranging new placement can be time consuming, expensive and extremely stressful for families who expected professional, unbiased expertise from their referral services.

For the reasons stated herein, M4A supports SB 952's effort to create standard requirements and procedures for referral organizations.

Written Support - MDOA HB1263_SB952 Assisted Livin

Uploaded by: Jennifer Crawley

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: March 6, 2024

Bill Number: **SB952**

Bill Title: Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions

Committee: Senate Finance

MDOA Position: FAVORABLE

The Department of Aging (MDOA) respectfully submits this letter of support on Senate Bill (SB) 952 - Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions.

The Maryland Department of Aging (MDOA) serves as Maryland's State Unit of Aging, administering federal funding for core programs, overseeing the Area Agency on Aging (AAA) network at the local level that provides services, and planning for Maryland's older adult population. Pursuant to a recent Executive Order, in January 2024, MDOA launched the Longevity-Ready Maryland Initiative,¹ which will build upon existing efforts across state agencies, private and philanthropic sectors and other stakeholders to tackle real-life challenges throughout the lifespan, taking a whole-of-life and whole-of-government approach. Access to high-quality assisted living facilities are a critical component of the long-term care ecosystem and an important component of longevity-readiness.

A well-regulated community of assisted living referral service providers is an important component of the long-term care services and supports system; they facilitate a better understanding of care options. In addition, finding appropriate assisted living care for a loved one can help family members and other caregivers rejoin the workforce.

¹ See, Maryland Department of Aging: Longevity-Ready Maryland Initiative *available at*: <https://aging.maryland.gov/Pages/LRM.aspx>



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

These referral businesses also are well-positioned to support small assisted living providers, who are a vitally important small business sector that responds to a strong demand for affordable long-term care in our communities. Enacting these additional common sense guardrails around assisted living referral services will give older Marylanders and their families greater protection when engaging with them in their search for assisted living options.

If you have any questions, please contact Andrea Nunez, Legislative Director, at andrea.nunez@maryland.gov or (443) 414-8183.

Sincerely,

Carmel Roques
Secretary
Maryland Department of Aging

NASW Maryland - 2024 SB 952 FAV - Assisted Living

Uploaded by: Karessa Proctor

Position: FAV

Testimony Before the Senate Finance Committee

March 7, 2024

Senate Bill 952 – Assisted Living Programs – Assisted Living Referrers – Requirements and Prohibitions

Support

On behalf of the National Association of Social Workers, Maryland Chapter (NASW-MD) Committee on Aging, we would like to express our support for Senate Bill 952– Assisted Living Programs - Assisted Living Referrers – Requirements and Prohibitions. As social workers, we support this bill because it provides vital protections for vulnerable adults who need care in an assisted living facility.

It has been our experience that assisted living referral agencies often operate without regard to the needs or rights of the individuals who need care in assisted living facilities. We hear from families that these agencies often refer them to facilities that are ill-equipped to provide the needed care. Some referral agencies even direct families to unlicensed facilities. We have also worked with families who tell us that the agencies sell their information to other providers of eldercare services. Families report receiving aggressive marketing calls from these companies, at the very time when they are stressed with tough decisions about the care of their loved ones.

This bill would tighten the requirements for assisted living referrers and hold them to professional standards. For example:

- The bill requires that their staff undergo criminal background checks. This provision is essential to protecting potential residents.
- The bill’s requirement that the referrers have liability insurance will make it more likely that clients who sue these providers will receive financial compensation.
- The requirement that the Office of Health Care Quality maintain a more user-friendly data base of licensed assisted living facilities should make it easy for both the referrers and potential residents to know that the facilities under consideration are licensed.
- The requirement that referrers sign a HIPPA agreement with clients should protect the personal information of potential assisted living residents.

This bill is urgently needed to safeguard the health and wellbeing of Marylanders who need assisted living care. We ask that you give a favorable report to Senate Bill 952.

Respectfully,

Karessa Proctor, BSW, MSW
Executive Director, NASW-MD

SB0952-FIN-FAV.pdf

Uploaded by: Nina Themelis

Position: FAV



BRANDON M. SCOTT
MAYOR

*Office of Government Relations
88 State Circle
Annapolis, Maryland 21401*

SB0952

March 7, 2024

TO: Members of the Senate Finance Committee

FROM: Nina Themelis, Director of Mayor's Office of Government Relations

RE: Senate Bill 952 – Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions

POSITION: FAVORABLE

Chair Beidle, Vice Chair Klausmeier, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 952.

SB 952 increases the accountability of assisted living referrers – both to the consumers they serve and to the State Health Department. As defined in Section 19–1813 of the State Health Article, “assisted living referrers” are individuals or agencies that refer people to assisted living programs and that are paid by an assisted living program or other third party for those referrals. SB 952 requires that assisted living referrers maintain general liability insurance, conduct criminal background checks of their employees, and maintain a written document, signed by the parties that specifies what services the referrer entity is providing. SB 952 also requires the referrer entity to arrange a tour of the facility to which it is referring the client, for the client and the client’s family. These measures will improve transparency for assisted living referrer organizations.

The Baltimore City Long Term Care Ombudsman program (which is based in the Baltimore City Health Department Division of Aging) acts as an advocate for residents of Baltimore’s more than 500 licensed assisted living facilities. Assisted living referrers play an important role in the assisted living industry, often facilitating discharges from hospitals into these facilities. These referrers, which tend to operate with minimal oversight, should be required to be more transparent to the people they are placing and their families, to assure that vulnerable older adults and persons with disabilities are not placed in unlicensed facilities, or are otherwise subject to exploitation or abuse. SB 952 is an important step toward exerting accountability for assisted living referrers.

For these reasons, the BCA respectfully request a **favorable** report on SB 952.

Written testimony for Senate Bill SB0952.pdf

Uploaded by: Patrick Mish

Position: FAV

Written testimony for Senate Bill, SB0952

Support: Favorable

Patrick Mish
CEO and Cofounder, SilverStay
1311 Waneta Ct
Odenton, MD 21113

Hello my name is Patrick Mish. I'm the CEO and Cofounder of SilverStay, an assisted living placement agency.

Assisted living is an essential solution to meeting our country's rapidly increasing need for sophisticated long term care for medically, financially, and socially vulnerable individuals. The population of 65-plus individuals is growing five times the rate of the total US population (2020 Census Bureau). This demographic is experiencing homelessness and medical complexity at high rates leading to packed emergency rooms and high length-of-stay in hospitals (WSJ, 9/2023).

Assisted living placement agencies provide an essential linkage between these vulnerable individuals and high performing, clinically, financially, and socially sophisticated assisted living communities. In order for this linkage to be made in a safe and efficient manner, placement agencies must have:

1. A nuanced understanding of the individuals clinical needs, and
2. Assisted living outcome data for individuals with similar clinical, social, and financial situations

As such, placement agencies should be obtaining clinical information on the individuals they are serving while utilizing a robust information security management program and ensuring that each individual or their proxy has signed a HIPAA authorization form.

This is why SilverStay hires licensed social workers to support our clients, collects outcome data on assisted living facilities, and has deployed a robust information security management process. Operating in this form allows our company to reliably and consistently support vulnerable individuals transitioning to assisted living.

Clinically sophisticated placement agencies are essential to supporting our vulnerable Maryland residents.

Finiance committee senate bill 952 Diamond 2.pdf

Uploaded by: Paula Diamond

Position: FAV

Written testimony for Finance Committee :Senate bill 952

Support: Favorable

Paula Diamond
14 Old Manor Court
Reisterstown, MD 21136

Good Afternoon,

My name is Paula Diamond, and I just went through the process of placing my mom in Assisted Living. I was first referred by the hospital rehabilitation social worker to a placement company to start this process. As background, my mom is a 98-year-old fiercely independent and feisty woman, who is also a Holocaust survivor. Her overall mental and physical health had been worsening even before her covid pneumonia diagnosis was made. I really needed help to find the right community and of course to get her to agree that her new home would be acceptable.

To say the least, I was overwhelmed and exhausted, and truly welcomed their help and guidance. Here is the help that was offered.

1. They received permission to review all the medical files and complete an in-person assessment at the rehabilitation center.
2. I met with the placement company and the social worker to understand my mom's competency to make this decision on her own.
3. Four AL communities were identified that were appropriate for my mom's overall level of care.
4. I toured with the placement company.
5. I chose one community and we worked together to have her room complete for the discharge date.

My mom has never been happier.

I support Senate bill 952. I was very fortunate to have a placement company that had a clear understanding of my mother's medical and emotional needs as they helped me through the entire process. I was no longer alone with this critical placement.

Thank you for your time.

Written testimony for Finance Committee^J SB952^J

Uploaded by: Paula Sotir

Position: FAV

Written testimony for Finance Committee, Senate bill 952

Support: Favorable

Paula A. Sotir
Owner CarePatrol Baltimore
520 Allegheny Ave
Towson, Maryland 21204

My name is Paula Sotir. I have been the owner of CarePatrol Baltimore for the last 10 years. I wanted to describe the placement industry. This industry is “Like real estate” There are local agents and internet agents who get paid when they sell the house. So, when a placement company assists with placing a senior they get paid by the assisted living. The placement company has a contract with the assisted living on specific payment again very similar to a real estate agent.

The difference is that placing a senior in assisted living is more complicated than selling a house since our clients have different levels of health problems or what we call levels of care. Our goal is to find safe living options.

We need to only refer to licensed communities which is why the office of health care quality supplies a monthly list. We need to know the care capabilities of each assisted living so that those Als we refer can meet the clients’ medical needs today and in the future. Placement and referral services are needed more than ever for our expanding senior population.

The real goal of this bill is to raise the level of professionalism and transparency for this industry to protect seniors seeking placement. At present we have 114 placement and referral agencies in MD, which I believe has more than doubled in the past 2 years. We are asking you to support this bill. All placement companies should maintain general liability and all employees of placement and referring companies should have a criminal background check. We need to protect our Maryland seniors.

SB952 Assisted Living Referrers .pdf

Uploaded by: Sarah Miicke

Position: FAV



Maryland Senior Citizens Action Network

MSCAN

AARP Maryland

*Alzheimer's
Association,
Maryland Chapters*

*Baltimore Jewish
Council*

Catholic Charities

*Central Maryland
Ecumenical Council*

Church of the Brethren

*Episcopal Diocese of
Maryland*

*Housing Opportunities
Commission of
Montgomery County*

*Jewish Community
Relations Council of
Greater Washington*

*Lutheran Office on
Public Policy in
Maryland*

*Maryland Association of
Area Agencies on Aging*

*Maryland Catholic
Conference*

*Mental Health
Association of Maryland*

Mid-Atlantic LifeSpan

*National Association of
Social Workers,
Maryland Chapter*

Presbytery of Baltimore

*The Coordinating
Center*

*MSCAN Co-Chairs:
Carol Lienhard
Sarah Mücke
410-542-4850*

Testimony in Support of SB952 - Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions Finance Committee March 7, 2024

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing, health and quality of care needs of Maryland's low and moderate-income seniors.

MSCAN enthusiastically supports SB952 for its potential to positively impact the lives of low-income seniors who deserve quality insured, safe and transparent assisted living referral agencies.

SB952 would set clear rules for how referral agencies can operate, promoting client safety and consumer protection. This would include background checks for their employees, transparency regarding contractual relationships between referrer and client, and a prohibition of referrers requesting payment for referrals made more than 1 year ago. These regulations would lower incidents of older adults, especially our most vulnerable, being taken advantage of by predatory referral agencies.

For these reasons, MSCAN urges a favorable report on SB952.

Amendment SB952.pdf

Uploaded by: Shelly Hettleman

Position: FAV



SB0952/523728/1

AMENDMENTS
PREPARED
BY THE
DEPT. OF LEGISLATIVE
SERVICES

04 MAR 24
10:08:31

BY: Senator Hettleman
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 952
(First Reading File Bill)

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SB952_FAV_Hettleman.pdf

Uploaded by: Shelly Hettleman

Position: FAV

SHELLY HETTLEMAN
Legislative District 11
Baltimore County

Chair
Rules Committee

Budget and Taxation Committee

Subcommittees

Health and Human Services

Pensions



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Shelly.Hettleman@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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.¹ The U.S. Census Bureau estimates that 22% of Maryland's population will be 60 and older by the year 2030.¹ It is expected that there will be increased demand for senior living communities as the population ages.¹ 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.² **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.³ 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.¹ Increased oversight among assisted living facilities is correlated with lower incidents of abuse, neglect, and exploitation.¹

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.

¹ 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>.

² 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/>.

³ "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.

SB 952 Assisted Living Programs – Assisted Living

Uploaded by: Tammy Bresnahan

Position: FAV



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SB 952 Assisted Living Programs – Assisted Living Referrers and Prohibitions
FAVORABLE
Senate Finance Committee
March 7th, 2024

Good Afternoon Chair Beidle and Members of the Senate Finance Committee. I am Tammy Bresnahan, Senior Director of Advocacy for AARP Maryland. AARP Maryland advocates on behalf of more than two million Marylanders 50 and over. AARP MD supports SB 952. We thank Senator Hettleman for bringing this important legislation forward.

SB 952 established requirements for assisted living referrers, including requirements related to the maintenance of general liability insurance, a criminal history records checks, the maintenance and provision of agreements and documents, and assisted living program tours; prohibiting an assisted living referrer from requesting payment for a referral more than one year after the referral is made.

Older Marylanders and vulnerable individuals and their families make critical long-term care decisions to ensure that adequate and appropriate care is provided, especially when long-term services and supports are needed. Marylanders need remedies to protect them from unscrupulous players in the assisted living field like those who would open a facility without proper licensure. Marylanders need to know that the facilities to which their loved ones are referred are licensed and will protect the safety of those individuals once admitted. Finally, Maryland needs to enact sanctions and laws to hold accountable those who would evade these required practices or break the letter of this law.

AARP believes that States should rigorously enforce mandatory minimum standards and make other efforts to promote excellence and ensure quality of life outcomes for individuals in a residential care setting. AARP also believes that States should have a full range of sanctions available for those who would break this law. These sanctions should include (but not be limited to) civil penalties, a ban on all new admissions, monitoring of directed plans of correction, denial of Medicaid payment for new admissions, and appointment of temporary managers and receivers.

Remedies should be swiftly imposed, with harsher sanctions for recurring, serious, or widespread deficiencies.

For these reasons AARP Maryland respectfully request a favorable report on SB 952. For questions or additional information, please feel free to contact Tammy Bresnahan, Director of Advocacy at tbresnahan@aarp.org or by calling 410-302-8451.

SB0952_FWA_LifeSpan_AL Programs - AL Referrers - R

Uploaded by: Danna Kauffman

Position: FWA



*Keeping You Connected...Expanding Your Potential...
In Senior Care and Services*

TO: The Honorable Pamela Beidle, Chair
Members, Senate Finance Committee
The Honorable Shelly Hettleman

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer
Christine K. Krone
410-244-7000

DATE: March 7, 2024

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 952 – *Assisted Living Programs – Assisted Living Referrers – Requirements and Prohibitions*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities (CCRCs), medical adult day care centers, senior housing communities, and other home and community-based services, we **support** Senate Bill 952. This bill establishes additional requirements for assisted living referrers.

LifeSpan believes that Senate Bill 952 is a consumer protection bill that will further increase quality in the assisted living industry and provide greater protections for individuals seeking care through an assisted living program. We respectfully request two amendments.

First, LifeSpan is concerned that requiring all three persons (referrer, program, and prospective resident) to be present at a tour could potentially slow the process for the prospective resident and would request that the provision be amended to be: “(2) A REPRESENTATIVE OF THE ASSISTED LIVING REFERRER SHOULD USE BEST EFFORTS TO BE PRESENT DURING THE TOUR REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”

Second, Lifespan recommends striking the last clause in this provision given that the database is publicly accessible on the Office of Health Care Quality’s website - (F) THE OFFICE OF HEALTH CARE QUALITY SHALL MAINTAIN A USER-FRIENDLY DATABASE OF LICENSED ASSISTED LIVING PROGRAMS AND ~~14 ENSURE THAT EACH ASSISTED LIVING REFERRER HAS ACCESS TO THE DATABASE.~~

With these amendments, we request a favorable vote.

SB0952 SLTCOP testimony 3.6.24.pdf

Uploaded by: Stevanne Ellis

Position: FWA

Bill: SB 0952

Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions

Position: Support with Amendments

March 6, 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.

When choosing an assisted living facility, the resident, family, and their support system should be fully informed about all options available. When working with an assisted living referrer, the assisted living referrer should provide that information.

When someone is looking for a facility, it is often a very stressful time. Their loved one may be in the hospital or need more care than can be provided at home. If a person decides to work with an assisted living referrer, there need to be safeguards in place to protect the consumer. Criminal background checks for employees are an important added protection. Additionally, outlining the services provided in the contract are excellent additions to the law to help whoever is working with assisted living referrer understand the services that are being provided and the terms of the agreement. It is critical that these contracts be as clear and transparent as possible.

I am supporting this bill with several amendments.

The Long-Term Care Ombudsman Program educates the public and provides information about how to choose an assisted living facility. It is important for the individual to make an informed decision about a facility, and whenever possible, a visit to the facility should be made to the facility. This visit need not be announced and should not require the assisted living referrer to be there at the time of the tour. Facility staff should allow visitors anytime, including those that are looking at moving someone into the facility. Assisted living facilities are open for business and should welcome people to come to see what their facility is like even when a visit is not scheduled.

Requiring a visit to be scheduled is a concern because it gives the appearance that the business is not welcoming or transparent. Additionally, once someone moves into a facility, residents can receive visitors at anytime and being denied the right to visit or being required to visit around someone's schedule is a violation of rights and it gives the appearance that the provider has something to hide. It should be noted that an assisted living facility is a home where people live and spend their lives. They can have visitors at any time. When you visit a facility, do you want to have the beautified sales version of the assisted living facility, or do you want to see the facility for what it is at any time?

My final suggestion for an amendment is to remove the statement related to the database. OHCQ does have a database on their website that is available to the public.

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

APFM Caring Fast Fact Sheet (MD) 2024 03 05.pdf

Uploaded by: Jim Rosenthal

Position: UNF

SB 952/HB 1263 - Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions - OPPOSE

A Place for Mom (“APFM”) and Caring.Com (“Caring”) oppose SB 952 and HB 1263 (Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions) for the reasons set forth below. The information provided here explains why SB 952 and HB 1263 should not become law in Maryland.

Senior Living Referral Agencies

When seniors can no longer perform activities of daily living nor care for themselves, and their family caregivers are not in the position to provide care, the decision to move into assisted living can be complex and overwhelming. Most caregivers in the United States do not proactively prepare for a day when their aging loved ones need such assistance. This burden typically falls on the senior’s adult children.

For some families, the process to identify and transition to senior living can be long, often months and years. However, urgent life events such as falls or a dementia diagnosis can result in sudden and drastic need for care when seniors are no longer able to safely age in place at home.

Senior living referral agencies provide unmatched expertise and knowledge to both caregivers and their families, all at no cost. These agencies deliver education, information and resources aligned to families’ care, financial, location and amenity needs. Referral agencies provide practical information to allow families to objectively compare their options. The referral agencies also provide empathy and comfort so families can confidently evaluate their options and make the right decisions.

The vast majority of families who work with referral agencies say they wish they started working with the agencies earlier in the process, and that without the agencies’ guidance and advice, the family would not have the tools and information to effectively navigate the care journey.

Referral Agency Facts

National Senior Living Referral Agencies like A Place for Mom and Caring:

- **Do not charge seniors and their families for their services.** The agencies are paid by their participating, contracted community providers. These payments only occur after a senior moves into a community following the referral to that community. At no time are families charged a fee by APFM or Caring. In fact, the agencies explicitly require in their contractual agreements with the communities that a referred family will not be charged extra or treated any differently than those families that come through other channels. Senior living communities are not required to enter into agreements with APFM or Caring, and they are able to negotiate terms and conditions, reject leads, and terminate their agreement.
- **Are not biased to the communities to which they direct families.** Referral agencies’ only goal is to provide the options that meet each family’s needs. The fees that referral agencies receive are often less than 3% of the total revenue the communities generate when a senior moves in.

- **Provide expert advice and information** to seniors and their families through their extensive network of advisors, including those in Maryland. In addition to matching families to the communities that fit their needs, referral agencies provide tools and guidance on topics ranging from how to compare local communities, questions to ask when touring facilities, ways to compare and understand different fee structures of local communities, how to maximize budgets, ways to best transition a loved one to the community of choice, and much more.
- **Make significant investments** to provide extensive updated information on their websites, and, via dedicated staff, to ensure that prospective families can hear feedback from current residents via first-party reviews. Referral agencies provide extensive training for their advisors who typically spend anywhere from 30 minutes to several hours talking to families, all at no cost to the families. In addition, as the majority of senior living communities are not national in nature, referral agencies provide useful and educational advertising for the entire industry so that caregivers are aware of how to objectively compare options, despite the relative absence of national benchmarks.
- **Are non-exclusive** so seniors and their families looking for a community may engage multiple referral agencies and choose any option – or none at all – without having to review, negotiate, execute or terminate a contract.
- **Manage a national network of assisted living communities** to help find the best place for the senior based on a number of factors. Referral agencies take much of the guesswork out of choosing a community by fully vetting all their partner communities, auditing licenses, and managing the family review process.
- **Refer a senior to an average of about four assisted living communities** and do not share any of a senior’s information with an assisted living community until the family consents to the sharing of their information. Without referral agencies, many families would not be able to quickly and effectively compare options, which leaves them vulnerable to not negotiating the best price or identifying the best community.
- **Have a mission to enable caregivers to make the best senior care decisions.** These agencies help hundreds of thousands of families a year navigate through this crucial and complex process, all at no cost to the family.

Many Maryland families like the ones below have already benefited from APFM and Caring’s services. These time-intensive and valuable services are provided free of charge to seniors and their families, but the full value and impact of these services can only benefit Maryland seniors if SB 952 and HB 1263 are not enacted.

Family Testimonials

“I cannot begin to thank YOU for all you've done. You went above and beyond the call of duty in helping me get over the finish line.”

– Family Caregiver, Bowie Maryland

"I just wanted to send a note to share the wonderful experience I had working with my advisor regarding my father's placement in assisted living. I spoke with my advisor first when I was in a place of crisis and her calm, knowledgeable and empathic approach put me at ease instantly. She worked quickly and thoroughly to suggest informed options, provide seasoned guidance that saved me time and money, and followed up regularly until my Dad was safely placed and settled into a great group home. A Place for Mom is an invaluable service and I am indebted to the service for helping me and my family during a very difficult time. Thank you."

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"Thank you for following up. My father-in-law was discharged from the hospital yesterday. He is now in the memory unit at Brighton Gardens in Columbia...at least for a 30-day respite period and further evaluation with OT and PT. You and your colleagues were a great help and a life preserver in a very rough period for the family. It was wonderful to have someone to turn to for help and answers. We sincerely appreciate all your assistance and concern."

– Family Caregiver, Columbia Maryland

A Place for Mom and Caring oppose the proposed legislation

The proposed legislation, SB 952 and HB 1263, introduces a number of regulations on senior living referral agencies that are detrimental to the Maryland families and the Maryland senior living communities that we serve.

SB 952 and HB 1263:

- **Requires a senior living agency to sign a "federal Health Insurance Portability and Accountability Act Agreement [HIPAA]" with the senior or their family.** This bill seems to inaccurately describe a Business Associate Agreement, executed between a Covered Entity (exclusively defined as a provider, insurer or healthcare clearinghouse) and a vendor performing services that involve use, access, maintenance or transmittal of Protected Health Information (PHI). Not only does a "federal HIPAA agreement" not exist, but assisted living facilities are not covered entities, and no PHI is exchanged between the referral agencies and assisted living facilities.
- **Requires that each referral made by an agency must also include a scheduled tour.** Referral agencies can and routinely do arrange tours of communities if the family is ready for that next step. Requiring an agency to arrange the tour of every facility just to make a referral is not only contrary to the referral agencies' effective referral model, but takes the choice over the next steps and timeline of the family's selection process away from the family and places unduly

burdensome requirements on facilities that rely on referral agencies to sustain their business. Finally, because the proposed legislation also requires that a senior living agency make referrals to communities both inside and outside its network, the requirement to arrange and attend tours to communities with which the referral agency has no relationship is impossible to comply with, and could result in facilitating tours to places where the referral agency has not conducted diligence.

- **Requires that a representative of an agency must be present at every tour that the agency schedules for a family.** While referral agencies remain a resource for families and communities throughout the selection process, the community representatives are generally better suited to conduct family tours and assess potential residents. In addition, while referral agencies provide content, education and recommendations, the decision ultimately resides with the family. Attendance on tours by referral agencies interrupts families' ability to spend time with the community director. Based on experience from two decades of operations, we know that families prefer for tours to be conducted with communities in a more intimate setting without others in attendance. Finally, the proposed legislation also requires that a senior living agency make referrals to communities both inside and outside its network--the requirement to attend tours to communities with which the referral agency has no relationship is impossible to comply with, and could result in facilitating tours to places where the referral agency has not conducted diligence.
- **Requires a senior living agency and family to enter into an agreement "outlining the terms of the agreement provided by the assisted living referrer."** The core of APFM's and Caring's services is that these services are provided for no fee to the family and no commitment to continue the relationship. Requiring a written agreement between the family and the referral agency is not only unnecessary, but creates a restriction on family choice that does not otherwise exist and an additional cumbersome task for a caregiver during a time of crisis. It also makes it far more difficult for families to switch referral agencies as desired, or to work with more than one referral agency.
- **Prohibits the referral agency from collecting its fee from the communities if the senior moves in more than one (1) year after the referral is made.** While many families require senior living assistance immediately, others are only starting their journey and will not move in until more than a year after the referral. In many cases, A Place for Mom and Caring work closely with families for well over a year. Limiting referral agencies' ability to collect fees from communities in their network interferes with a contractual relationship between businesses, with no benefit to families. Communities are free to negotiate the terms of their agreements with referral agencies, and may terminate relationships with referral agencies as desired.

For these reasons, SB 952 and HB 1263 should not become law in Maryland. A Place for Mom and Caring are prepared to work with stakeholders to devise legislation that best serves Maryland families and businesses.

SB 952 A Place for Mom.pdf

Uploaded by: Nana Boyer

Position: UNF

SB 952/HB 1263 - Assisted Living Programs - Assisted Living Referrers - Requirements and Prohibitions - OPPOSE

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