

Bill: HB 1177

Continuing Care Retirement Communities - Subscriber Rights and Provider Duties

Position: Unfavorable

March 5, 2024

The Maryland Long-Term Care Ombudsman program advocates for residents in nursing homes and assisted living facilities in Maryland including residents that reside in continuing care retirement communities. 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.

The Long-Term Care Ombudsman Program is governed by the Older Americans Act as well as state law and both state and federal regulations. This gives the Ombudsman Program authority to provide services for individuals in all nursing homes and assisted living facilities including those that are in continuing care retirement communities.

The residents residing in independent living settings do not receive long-term care ombudsman program services. This is true of individuals living in private homes, apartments, and retirement communities including those that live in independent living settings within continuing care retirement communities. Individuals that live in independent living settings are not long-term care residents.

In order for an ombudsman program to be developed for independent living settings, other laws and regulations would need to be developed. It would be a conflict for the Secretary of Aging to appoint an ombudsman to do this work because of the role of the Department of Aging related to continuing care retirement communities. Additionally, the budget including the source of funding for this program would need to be developed with decisions made about who would shoulder the expense. It should also be noted that the bill proposes having

an ombudsman appointment in every county. There is not a continuing care retirement community in every county.

It should be noted that the Long-Term Care Ombudsman Program has had level funding for many years. The residents that reside in nursing homes and assisted living facilities are often very vulnerable, have serious issues, and do need an advocate. Additionally, the Long-Term Care Ombudsman Program attempts to visit all facilities on a regular basis and to respond to complaints promptly. This is a challenge with the limited funds available at the county, state, and federal levels. Currently, I am unaware of any additional funds available for a new ombudsman program or for the Long-Term Care Ombudsman Program.

I am recommending that residents in continuing care retirement communities have a robust grievance process and a resident or subscriber bill of rights related to all residents in continuing care retirement communities. Additionally, I support increased transparency, including fiscal transparency, in the continuing care retirement contracts so that the individual choosing to live in this setting can make an informed decision.

I respectfully ask for my comments to be considered and offer an unfavorable report for this bill. I do request that my recommendations be considered.

Sincerely,

Stevanne Ellis

Maryland State Long-Term Care Ombudsman