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In Senior Care and Services*

Senate Finance Committee

January 21, 2025

Senate Bill 69 – *Health Care Facilities – Access to Telephones – Study*

## **LETTER OF INFORMATION**

On behalf of the LifeSpan Network, a senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities, and other home and community-based services, we provide this **letter of information** on Senate Bill 69, which requires the Department of Health to conduct a study on the feasibility of installing and maintaining landline telephone systems in assisted living facilities, psychiatric facilities, and nursing homes and report back to the General Assembly by September 30, 2026, on its findings and recommendations.

During the 2024 Session, Senate Bill 813 was introduced. If passed, the bill would have had significant financial implications. It required each “health care facility” to implement a program to provide each individual admitted to the facility with reasonable access to a telephone by January 1, 2025. This would have ensured that a telephone was provided in the individual’s room unless certain circumstances were demonstrated. The bill, due to the 11 State facilities owned by the State, had a fiscal note of \$10.2 million.

The underlying issue, access to telephones, is already addressed in Federal and State regulations for nursing facilities and assisted living programs. These regulations are enforceable by the Office of Health Care Quality (OHCQ) and, for nursing homes, the federal Center for Medicaid and Medicare Services. We advise that the issue is the lack of enforceability of the current regulations, not the need for new regulations. If a resident is being denied access, then OHCQ has both the responsibility and the tools for enforcement.

The provisions regarding telephones are below.

### **NURSING HOME REGULATIONS**

#### **Federal Section 483.10(g) Information and communication.**

(6) The resident has the right to have reasonable access to a telephone, including TTY and TDD services, and a place in the facility where calls can be made without being overheard. This includes the right to retain and use a cellular phone at the resident's own expense.

(7) The facility must protect and facilitate that resident's right to communicate with individuals and entities within and external to the facility, including reasonable access to:

(i) A telephone, including TTY and TDD services;

(ii) The internet, to the extent available to the facility; and

(iii) Stationery, postage, writing implements and the ability to send mail.

“Reasonable Access” means that telephones, computers and other communication devices are easily accessible to residents and are adapted to accommodate resident’s needs and abilities, such as hearing or vision loss.

### **Federal Section 483.10(f)(11)**

*Items and services that may be charged to residents' funds.* Paragraphs (f)(11)(ii)(A) through (L) of this section are general categories and examples of items and services that the facility may charge to residents' funds if they are requested by a resident, if they are not required to achieve the goals stated in the resident's care plan, if the facility informs the resident that there will be a charge, and if payment is not made by Medicare or Medicaid:

(A) Telephone, including a cellular phone.

### **State COMAR 10.07.09.08 Resident's Rights and Services.**

C. A resident has the right to:

(19) Reasonable access to the private use of a telephone;

### **ASSISTED LIVING REGULATIONS**

#### **10.07.14.55 Telephones.**

A. An assisted living program with a licensed capacity of one to eight beds shall provide:

(1) At least one land line telephone for common use; and

(2) A posting next to the telephone that contains the telephone numbers for the local police department, fire department, and relief personnel.

B. An assisted living program with a licensed capacity of nine to 16 beds shall provide at least one common-use telephone. If there are nine or more residents that do not have private telephones in their own rooms, the assisted living program shall provide a second common-use telephone.

C. An assisted living program with a licensed capacity of 17 or more beds shall provide:

(1) Wiring in each resident's room that would allow a resident to use the resident's own private telephone; and

(2) An adequate number of telephone lines and common-use telephones to accommodate those residents who do not have private telephones installed in their rooms.

### **DEFINITION –**

(18) "Common-use telephone" means a telephone:

(a) That is within the facility;

(b) That is accessible to residents;

(c) That is located so that residents can have private conversations; and

(d) With which residents can make local calls free of charge.