

DG Testimony in Support of SB 0751 from Darlene Ga

Uploaded by: Darlene Galeski

Position: FAV

Testimony in Support of SB 0751 from Darlene Galeski

12407 Catoctin View Drive, Mt Airy, MD 21771, fdgaleski@comcast.net, cell 910-546-1401

February 28, 2025

To: Finance Committee Chair Pamela Beidle

Chairman Beidle, thank you for this opportunity to speak at this hearing in support for this bill, and for your years of support for Maryland's senior citizens.

As a member of the Eldercare Advocacy Group of Central Maryland I am speaking today in memory of my mother-in-law, Hennie Madsen, who was a resident in an assisted living facility in Frederick, Md for seven years. At the time of her death in 2022 the cost for her care at this facility totaled \$460,000. You may be wondering what the cost of her care has to do with this bill. I will explain in my closing.

A family council was established soon after she arrived. The council was very purposeful for many years. Family members established positive relationships with administration and other staff members. We all worked together as a team to make sure issues regarding care were addressed. Council meetings were a great opportunity to learn more about the daily operations of the facility that affected Hennie's care, such as pharmacy, dietary, housekeeping. Communication between the members of the family council and the facility director was crucial. (please see attachment of meeting minutes, concerns letter to the director and the response back from the director). Often the response from the director was more than thirty days.

The intent of the council remained foremost as we were able to accomplish many positive changes, such as more dietary options, a locked closet for storing depends and nametags for staff. Because we were able to deal with these concerns in the confines of the family council, we did not have to go to the Ombudsman who was needed to deal with bigger complaints and concerns such as abuse and injury investigations. The Ombudsman was always available to us if we needed to consult with her. We invited our local Hospice Chaplin to attend our meetings. His calm demeanor and ability to remain neutral when giving his opinion helped us to stay focus and not turn the meeting into a grip session. It was also a great opportunity to learn more about Hospice so we would be prepared when Hennie needed their services.

Some have asked why we need legislation when Family Councils are in the Assisted Living Comar regulations. Please see attached. The regulations in front of you are the new revised regulations that have been three years in the making and still have not been approved yet.

The Comar regulations are very vague and do not address many issues that prevent family councils from being established and being successful in an assisted living facility.

SB 0751 identifies the importance of the fourteen-day response time from administration to let the council know they are mindful of the concerns. It also asked that the facilities make family council information, including member number, minutes and communication to and from administration, available to all potential and current residences and their families. Family Council information needs to be public information.

Establishing a Family Council in an Assisted Living facility is of no cost directly to the facility. The positive outcomes related to care should save the facility money as it may prevent legal litigation.

As I close, I will explain how the cost of Hennie's care is related to this bill. The family council in her facility disbanded due to lack of support from the administration. Covid came and it was never reestablished after that. As her physical and mental health declined during her last three years there so did her care. Simple things such as making sure she had oral hygiene and storage of her false teeth, cleaning her glasses so she could read, making sure her snacks were not stolen and proper toileting hygiene especially when she would have an accident because she couldn't use the bathroom downstairs and had to go to her room on the third floor. These are the things that could have been taken care of in a family council but there was none. Every time my husband and I would tell administration about these situations additional points would be added to her level of care score. More points mean a higher level of care on paper, which means an increase in the monthly cost sometimes up to \$1500 or more. During the last year Hennie ran out of money and my husband and I paid for her care, dipping into money we set aside for our care when needed.

Senior citizens of Maryland and their families deserve to have a voice regarding their care in Assisted Living Facilities. I believe that having Family Councils not only saves money for the facility and for the families but opens constructive communication making their final years a much more positive experience.

These are the reasons why I support Senate Bill 0741 and hope you will too.

Thank you.

GDC Testimony SB0751 (1).pdf

Uploaded by: George Carroll

Position: FAV

Testimony in Support of SB 0751 from George Carroll

2689 Lydia Court, Adamstown, MD 21710 email:carrollg007@gmail.com Phone: 301 252 4960

February 27, 2025

To: Finance Committee Chair Pamela Beidle

Chairman Beidle, thank you for this opportunity to voice my support for this bill, and for your years of support for the residents of Maryland's Assisted Living Facilities.

Assisted Living Facilities are not nursing homes. They are for residents that need some help with activities of daily living. This fit my mother Rachel's needs.

She did not want to live with one of her children, to be a burden. Her desire to be independent except for a little assistance made assisted living an attractive option.

As time went on there were operational problems at the facility that needed to be addressed. The family council we formed helped improve the quality of life of all residents of the facility, improve communication, reduced the work of the county ombudsman, and avoided litigation. It was a win-win situation.

There were dozens of problems our family council addressed. Some examples follow:

- 1) The facility did not have the proper equipment to evacuate residents on the second and third floors in case of a fire.
- 2) The assisted living manager insisted on locking the public restrooms on the ground floor next to the dining hall to deny the residents access to them. Visitors could obtain a key from the front desk, but residents were told to use the toilet in their rooms.
- 3) Adult diapers we purchased for Rachel were routinely used by the staff for other residents.
- 4) Despite a written order from Rachel's dentist to have the staff help her with brushing her teeth, this was rarely done.
- 5) Rachel was blind in one eye, so it was important that she had help putting on her eyeglasses every morning. Often when we would join her for lunch, her glasses were missing or on another resident's face.
- 6) We marked all her clothing with her name, but the laundry service managed to distribute her clothing to many other residents.
- 7) Rachel was a modest woman, and was not comfortable having a male nurse assist her with showering.
- 8) More than once, there was an outbreak of legionnaire's disease in the facility, causing the residents to go without working showers for over 3 weeks
- 9) There were insufficient staff to meet the needs of the residents, and many of the staff were not certified CNA or GNA workers.
- 10) Waitressing duties in the dining room were provided by the same employees that changed residents' diapers.
- 11) Feces on toilets were not always promptly cleaned up. I observed during a fruit fly infestation fruit flies flying from feces on the toilet to food being served, to a resident's mouth and nose.

Our family council gave the family members of the residents a structure and a voice in addressing these and other issues at the facilities. I believe many of Maryland's 16,000 + Assisted Living residents could benefit from having a family council at their facility.

Finally, the family council working with the facility will reduce costs for the facility, the State, and the potential for litigation. Family Councils are a winner for all concerned. I support SB0751.

NASW Maryland - 2025 SB 751 FAV - Assisted Living

Uploaded by: Karessa Proctor

Position: FAV

**Testimony Before the Senate Finance Committee
March 4, 2025**

**Senate Bill 751
Health Facilities – Assisted Living Programs – Family Councils**

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 751, Health Facilities – Assisted Living Programs – Family Councils. As social workers, we are in support of this bill because it provides a robust platform for advocacy, communication, and collaboration for those residing in Assisted Living Facilities and their families.

Family Councils have been in existence in nursing homes since the 1987 Nursing Home Reform Law. Senate Bill 751 would authorize Assisted Living Facilities to provide the same platform for residents and families to express concerns, advocate for changes, and engage in meaningful discussions with facility administration and staff.

Often older Marylanders need assistance with activities of daily living (dressing, bathing, etc.), medication management and a safe, accessible environment. Assisted Living Facilities can provide the right amount of support that an older adult needs to thrive. Assisted Living Facilities are opening up everywhere to address the need. They are an important care option for older adults and their families.

Family Councils in nursing homes play a pivotal role in enhancing the quality of care and life for residents. They will do the same in Assisted Living Facilities. They will serve as a collective platform where family members can share experiences and take part in decision-making processes regarding the care provided to their loved one. By serving as a communication bridge between families and facility staff, Family Councils can lead to improvements in care quality and resident satisfaction.

Trusting a loved one's care to others can be a difficult process. Family councils can help families build trust with the facility staff. Family councils can bring grievances or concerns to the facility staff and expect a written response within 14 days after initiating a communication. This bill will ensure families' concerns are heard, documented, and made available in a public file that can be reviewed by a resident or prospective resident or family. Family Councils also ensure residents have a say in their day-to-day care, meals, and the activities available to them. Importantly, Family Councils will help to ensure that resident rights are respected. For these reasons, we ask that you support Senate Bill 751.

Respectfully,

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

SB751sponsorfinaltestimony.pdf

Uploaded by: Linda Hanifin Bonner

Position: FAV



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SPONSOR TESTIMONY
Senate Bill 751
Health Facilities - Assisted Living Programs - Family Councils

Chair Beidle and Committee Members

Thank you for the opportunity to introduce Senate Bill SB751 - Health Facilities - Assisted Living Programs - Family Councils

For the record, I am Senator Shaneka Henson from the 30th Legislative District of Anne Arundel County, MD.

This bill authorizes the owner, operator, or staff of an assisted living program with fifteen or more beds to create a “family council” (a group of individuals who work together to protect the rights of and improve the quality of life of the residents). An owner, operator, or staff of an assisted living program may lead the family council for up to six months, at which time a member of the family council must lead the family council.

A family council may consist of members of a resident’s family, or an individual appointed by the resident or the resident’s family, as specified. On written request of a family council, an assisted living program may assist the family council with administrative functions in a mutually agreed upon manner. An assisted living program must maintain specified records, respond to a family council within a certain time limit, and provide each new or prospective resident specified written information about the family council.

While legislation does exist regarding councils in assisted living facilities, this bill addresses items to strengthen and clarify its implementation.

After hearing from our panelists today, I urge you to give a favorable vote to this Bill.

TestimonySB0751.pdf

Uploaded by: Roxann Montgomery

Position: FAV

My name is Roxann Montgomery.

Thank you for this opportunity to submit testimony in favor of SB0751.

Family councils are essential for the most vulnerable residents in assisted living facilities and for the education and mutual support of the family members who will need to advocate for their loved ones.

My mom spent nearly 29 months in long term care. She spent four months in an assisted living facility and then 25 months divided across two different skilled nursing facilities. There was no functioning family council at any of these facilities. All three facilities did have residents' councils.

Residents' councils can work for those residents who do not suffer cognitive issues. Unfortunately a large percentage of residents in long term care facilities do suffer with cognitive issues and many cannot remember or articulate their concerns and needs. This makes the establishment and maintenance of family councils critically important.

One of my unfortunate experiences across all three long term care facilities was management's consistent discouragement of communication among the families of residents and the discouragement of any family member communicating with any resident who was not their relative. Even though no family council existed, I got to know a couple of family members who spent a lot of time at my mom's facility. We exchanged contact information in the hallways and kept an eye out for each other's loved ones while we were in the facility.

For many residents and their families assisted living facilities can be their first exposure to long term care. Entry into assisted living is often preceded by a caregiving crisis in the home. It can be an extremely stressful time. Assisted living facilities should provide clear, concise, written information about family council, about how to access the public records of the family council, and about the function of an ombudsman and his/her contact information. I would respectfully suggest that this information be on its own sheet of paper for easy reference and not embedded in the middle of a multi-page contract.

I ask for your favorable vote on SB0751 and
thank you for this opportunity to submit testimony,

Roxann Montgomery

SB751AssistedLivingCouncils.FAV.AARP.pdf

Uploaded by: Tammy Bresnahan

Position: FAV



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SB 751 Health Facilities - Assisted Living Programs - Family Councils
Senate Finance Committee
March 4, 2025
FAVORABLE

Good afternoon, Chair Beidle and Members of the Senate Finance Committee. My name is Tammy Bresnahan, and I am the Senior Director of Advocacy for AARP Maryland. On behalf of AARP and our more than 850,000 members across the state, we strongly support SB 751 – Health Facilities - Assisted Living Programs - Family Councils.

AARP has long advocated for policies that improve the quality of care, transparency, and accountability in assisted living facilities. SB 751 is an essential step toward ensuring that families have a formal and independent voice in shaping the care and well-being of their loved ones in assisted living programs.

This bill authorizes and supports the creation of family councils in assisted living programs with 15 or more beds. Family councils serve a critical role in advocating for residents, fostering open communication with facility administrators, and ensuring that concerns about care, staffing, and quality of life are addressed. The bill also ensures that councils transition to leadership by family members while allowing facilities to provide administrative support when needed.

Why is this bill important?

- Empowers families and residents – Family councils provide a structured way for families to advocate for their loved ones and collaborate on solutions to improve care.
- Increases transparency and accountability – Open dialogue between families and facility administrators leads to better oversight and higher quality care.
- Enhances resident well-being – Family engagement has been shown to improve residents' quality of life, emotional well-being, and overall care experiences.

Why AARP Supports SB 751

AARP believes that residents of assisted living facilities deserve the highest quality of care and that families should have a meaningful role in advocating for their loved ones. Family councils are proven tools that help bridge the gap between residents, families, and facility staff, ensuring that concerns are heard and addressed in a collaborative and constructive manner.

We thank Senator Henson for championing this important legislation and urge the committee to issue a favorable report on SB 751 to strengthen family engagement and improve assisted living

care in Maryland. For follow up or questions, feel free to contact me at tbresnahan@aarpp.org or by calling 410-507-6972.

MaCCRA 2025 Testimony - Support with Amendment - S

Uploaded by: Bruce Hartung

Position: FWA



Maryland Continuing Care Residents Association
Protecting the Future of Continuing Care Residents
The Voice of Continuing Care Residents at Annapolis

SUBJECT: Senate Bill 751- Health Facilities - Assisted Living Programs - Family Councils
COMMITTEE: Senate Finance Committee
The Honorable Pamela Beidle, Chair
DATE: March 4, 2025
POSITION: **Favorable with Amendment**

The Maryland Continuing Care Residents Association (MaCCRA) is a not-for-profit organization representing the residents in continuing care retirement communities (CCRCs). Maryland has over 20,000 older adults living in 38 licensed CCRCs. The principal purpose of MaCCRA is to protect and enhance the rights, well-being, and financial security of current and future residents while maintaining the viability of the providers whose interests are frequently the same as their residents. MaCCRA supports efforts to enhance transparency, accountability, financial security, and preserve existing protections in law and regulation for current and future CCRC residents statewide. ***Furthermore, to be a CCRC, a community must offer multiple levels of care including skilled nursing and assisted living as well as independent living.***

On behalf of MaCCRA, we support Senate Bill 751 with an amendment. Since President Reagan signed the Federal Nursing Home Reform Act in 1987, **skilled nursing home residents** have the right to form resident councils and family councils. These councils foster community building among residents, their families, and the staff. They provide an opportunity for families to share their observations with one another. Many family members are able to visit only at a particular time of day, e.g., after work or on weekends, and have no idea what the facility is like at other times of day, and value hearing from others what they hear and see, both good and bad. They often arrange for social events for residents, supplementing what the facility provides.

Senate Bill 751 provides for the same kind of family councils for residents of Assisted Living facilities, who deserve no less.

To further strengthen the formation of a family council we ask for consideration of the following amendment to allow the MD Long Term Care Ombudsman to create a family council. This aligns with similar authority granted for nursing home family councils under Maryland COMAR - Sec. 32.03.02.10. Family and Resident Council Requirements. "the Long Term Care Ombudsman Program shall support the organization and development of family and resident councils in nursing homes."

AMENDMENT:

Page 2, line 11 after "Program" INSERT "**OR BY THE MARYLAND LONG TERM CARE OMBUDSMAN**".

For these reasons we ask for a favorable report with amendment on Senate Bill 751.

For further information please contact: Bruce Hartung, President
Maryland Continuing Care Residents Association c/o brucehartung@sbcglobal.net

NAELA MD-DC Testimony 2025 - Support with Amendmen

Uploaded by: Elena Sallitto

Position: FWA

To: The Chair and Members of the Senate Finance Committee

Fr: The Maryland/DC Chapter of the National Academy of Elder Law Attorneys

Date: February 26, 2025

Re: SB 751 – Health Facilities – Assisted Living Programs – Family Councils

Position: Support with Amendment

The Maryland/DC Chapter of the National Academy of Elder Law Attorneys is an organization of attorneys dedicated to serving our seniors. We are pleased to support SB 751 which seeks to permit the owner of an assisted living facility to establish a family council. This legislation is a critical step toward enhancing the quality of care and community engagement within assisted living facilities, ultimately benefiting both residents and their loved ones.

There are, however, two amendments that could strengthen this significant legislation. We urge the Committee to expand its reach to include all assisted living facilities, regardless of size. In addition, authorizing the Maryland Long-Term Care Ombudsman to create a family council could help insure the establishment of this vital organization if the facility is not able or willing to see to its creation.

Family councils serve as essential forums for open communication, collaboration, and advocacy. They provide family members with a structured way to share concerns, exchange information, and work alongside facility management to improve the overall experience for residents. All too often, family and friends are focused on the care of their loved one and may not have the time or expertise to spearhead the creation of such a council. By allowing facility owners or the State Ombudsman to initiate the formation of a family council, this legislation fosters greater transparency, accountability, and responsiveness to the needs of those in assisted living.

We suggest the following amendments:

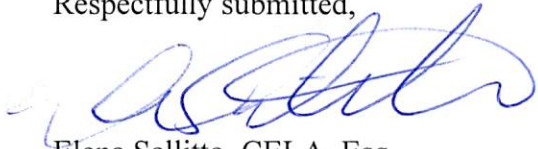
Deleting Section (B) in its entirety.

Adding the following:

(2)(I) Subject to subparagraph (II) of this paragraph, a family council may be created by the owner, operator or staff of an assisted living facility, **or by the Maryland Long-Term Care Ombudsman.**

We urge you and your colleagues to support this legislation, recognizing its potential to positively impact the lives of assisted living residents and their families. Thank you for your leadership and commitment to policies that promote the dignity, safety, and well-being of our aging population.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'E. Sallitto', with a stylized flourish at the end.

Elena Sallitto, CELA, Esq.

On behalf of the MD/DC Chapter of the National Academy of Elder Law Attorneys

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SB751—Health Facilities—Assisted Living Programs—F

Uploaded by: Linda Bergofsky

Position: FWA



COMMISSION ON AGING

February 28, 2025

SB751—Health Facilities—Assisted Living Programs—Family Councils Favorable with Amendments

Hearing Date: March 4, 2025

Dear Chair Beidle, Vice Chair Hayes, and Members of the Senate Finance Committee,

I am writing on behalf of the Montgomery County Commission on Aging (CoA) regarding SB751—Health Facilities—Assisted Living Programs—Family Councils. The CoA was established by Montgomery County in 1974 under a requirement of the Federal Older Americans Act of 1965 that there be an Advisory Council to the Area Agency on Aging. In that role, the CoA serves as an advocate for the health, safety, and well-being of the County's older residents at the local, State, and National levels. Individuals in Assisted Living Programs are a crucial part of our constituency, and we feel that the establishment of Family Councils could greatly benefit these individuals. The Montgomery County CoA supports the intent of the proposed legislation and offers specific amendments based on the experience and feedback from consumers, providers, and advocates.

Family Councils in Assisted Living Programs are not new to Montgomery County. Montgomery County has had a local ordinance since 2002 that incorporates Assisted Living within it and mirrors the protections in the federal nursing home regulations for Family Councils to exist and operate independently from the oversight of the Assisted Living management/ownership.¹ Since its passage, there have been no complaints from industry providers about its contents or intentions. We hope that through this proposed legislation, Montgomery County's protections relating to Family Councils in Assisted Living will be expanded to the entire State of Maryland.

Assisted Living Programs can include multiple levels of care, ranging from limited support services to memory care units where residents require significant assistance from caregivers. As the need for memory care services in particular, continues to escalate, the importance of Family Councils in Assisted Living settings becomes more urgent. SB751—Health Facilities—Assisted Living Programs—Family Councils will authorize the creation of a Family Council in Assisted Living Programs throughout the State. We are pleased to strongly support this bill, but ask the sponsor to consider four specific amendments:

1. Facility size: The proposed Section B applies only to Assisted Living Programs with at least 15 beds. We suggest that the legislative language in this bill reflect the current laws of "licensed assisted living" and should apply to **all** Assisted Living Programs regardless of size.

¹ Ch. 36, Laws of Mont. Co. 2002

2. Council composition. We suggest amending Section (C) (1) to provide broader flexibility for membership to include **(III) Other individuals as designated for membership by the individual Family Council.**
3. Council creation and operation. We suggest clarifying section (C) (2) (3). We agree that facility staff and/or a Long-Term Care Ombudsman should be initially responsible for leading the development of a Family Council, with the involvement of interested family members and designees. However, once created and operational, resident family members and designees are to direct the activities of a Family Council on an ongoing basis. The role of the Assisted Living Program operator, staff, and Long-Term Care Ombudsman, after the initial formation of the Family Council, should be to provide information and assistance, if requested.
4. Facility response time. We suggest amending Section (E), such that the facility response time to a written grievance or other written communication from the Family Council may be requested in less than 14 calendar days if the communication states that a response is urgent or time sensitive.

In conclusion, the CoA strongly supports SB751 with the recommended amendments. Family Councils are needed in Assisted Living Facilities to ensure that residents are well-cared for and issues of concern handled quickly. Family Councils, we know from experience, enhance the lives of all residents, even those who do not have family; improve facility functioning; and enhance the overall quality of care in Assisted Living Facilities. We request a Favorable Report with Amendments on SB751.

Sincerely,

Linda Bergofsky

Linda Bergofsky
Co-Chair, Montgomery County Commission on Aging

SB 751 - MDH -FIN - LOI.docx (1).pdf

Uploaded by: Meghan Lynch

Position: INFO



Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, Dr.PH, Acting Secretary

March 4, 2025

The Honorable Pamela Beidle
Chair, Senate Finance Committee
Miller Senate Office Building, 3 East Wing
11 Bladen St., Annapolis, MD 21401

**RE: Senate Bill (SB) 751 - Health Facilities - Assisted Living Programs - Family Councils
- Letter of Information**

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (Department) respectfully submits this Letter of Information for Senate Bill (SB) 751 -Health Facilities - Assisted Living Programs - Family Councils.

SB 751 provides for the composition of a family council for assisted living programs which may be created by the owner, operator, or staff of an assisted living program. The assisted living program is required to provide new and prospective residents information about the family council and create and maintain processes for a public correspondence file and grievances/communications.

On January 24, 2025, a complete overhaul of COMAR 10.07.14 Assisted Living Program regulations was published in the [Maryland Register](#). Included in Regulation .13 Administration of this revision is regulatory guidance on assisted living program family councils. This language was the result of discussion and consensus with a broad group of stakeholders, a process that started in 2015.

As such, OHCQ believes the intent of this bill is encompassed within the proposed regulations which MDH plans to adopt following the completion of the public comment period. The Department's family council regulations apply to all assisted living programs regardless of bed size, resident councils, and allow for 30 days to respond to grievances. SB 751 only applies to assisted living programs with 15 or more beds, does not address resident councils, and requires a response to a grievance within 14 days.

The process of promulgating regulations for assisted living was a complex undertaking. OHCQ involved hundreds of stakeholders, and multiple in-person and online public meetings were held seeking input from all stakeholders. In addition to family councils, the revisions address abuse, neglect, and financial exploitation protections; provision and posting of a Resident Bill of Rights;

stiffer penalties for programs operating without a license; and the requirement for awake overnight staff for assisted living programs that have Alzheimer's Special Care Units.

If you have any questions, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs for the Maryland Department of Health at sarah.case-herron@maryland.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ryan B. Moran". The signature is written in a cursive style with a horizontal line underneath the name.

Ryan B. Moran, Dr.P.H., MHSA
Acting Secretary