



## COMMISSION ON AGING

February 28, 2025

### **HB1291—Health Facilities—Assisted Living Programs—Family Councils Favorable with Amendments**

Hearing Date: March 6, 2025

Dear Chair Pena-Melnyk, Vice Chair Cullison, and Members of the House Health and Government Operations Committee,

I am writing on behalf of the Montgomery County Commission on Aging (CoA) regarding HB1291—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.<sup>1</sup> Since its passage, there have been no complaints from industry providers about its contents or intentions. It is our 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:

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<sup>1</sup> Ch. 36, Laws of Mont. Co. 2002

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.
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 HB1291 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 HB1291.

Sincerely,

*Linda Bergofsky*

Linda Bergofsky  
Co-Chair, Montgomery County Commission on Aging

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**Department of Health and Human Services**

401 Hungerford Drive, 4th Floor, Rockville, Maryland, 20850 240-777-1120, FAX 240-777-1436  
[www.montgomerycountymd.gov/hhs](http://www.montgomerycountymd.gov/hhs)