



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

TO: The Honorable Shane E. Pendergrass, Chair
Members, Health and Government Operations Committee
The Honorable Karen Lewis Young

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: February 18, 2021

RE: **OPPOSE** – House Bill 806 – *Health Facilities – Nursing Homes and Assisted Living Programs – Essential Caregivers*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland, we **respectfully oppose** House Bill 806. House Bill 806 requires a nursing home or assisted living program to establish policies and procedures for indoor visitation for a designated essential caregiver.

LifeSpan understands and shares the frustration felt by residents and family members regarding the restrictions on visitation imposed by State and local directives during the COVID-19 pandemic (based on CDC guidelines/CMS requirements). These restrictions have often placed communities in the crosshairs between compliance with the directives and the needs of family members and residents. However, prior to the COVID-19 pandemic, visitation within communities was not an issue because it is a core resident right. COMAR 10.07.14.35 (assisted living programs) and COMAR 10.07.09.08 (nursing homes) both state that a resident has the right to meet or visit privately with any individual that the resident chooses, subject to reasonable hours and locations. For nursing homes, the federal law is more restrictive and states that “[t]he resident has a right to receive visitors of his or her choosing at the time of his or her choosing, subject to the resident’s right to deny visitation when applicable, and in a manner that does not impose on the rights of another resident.” The federal law contains specific guidance on when visitation can be limited under reasonable clinical and safety restrictions. *See Federal Code - Section 483.10(f)(4)*. Unfortunately, even with the above-referenced laws protecting visitation rights, during the COVID-19 pandemic, the federal and State directives superseded these laws.

Therefore, it is unclear how this bill will further advance visitation and the need for an essential caregiver given the limitations on restricting visitation. Rather, there is a concern that, given the above-referenced requirements on visitation, an additional layer will cause confusion and inconsistency in the application of the law. For these reasons we urge an unfavorable vote.