



TO: The Honorable Shane Pendergrass, Chair  
Members, House Health and Government Operations Committee  
The Honorable Lisa Belcastro

DATE: March 11, 2021

RE: **SUPPORT WITH AMENDMENTS** – House Bill 416 – *Health Care Facilities – Assisted Living Programs – Memory Care and Alzheimer’s Disease Unit Regulations*

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On behalf of the LifeSpan Network and LeadingAge Maryland, we **support with amendments** House Bill 416. As initially drafted, this bill would have required the Maryland Department of Health to adopt regulations on Memory Care and Alzheimer’s Disease Units. Items to be included in the regulations were staff training requirements; staffing pattern requirements (including staff ratios); training and hours for individuals who oversee social activities; procedures that are beyond those procedures historically provided for in an assisted living program (including nighttime bed checks to prevent dangerous events among residents); and admission and discharge criteria.

The regulations governing assisted living programs underwent a major revision in March 2004 and December 2008 by the Office of Health Care Quality (OHCQ), which included gathering input from both provider and consumer organizations. Beginning in 2013, OHCQ began discussions on a third revision to the assisted living program regulations. In 2016, OHCQ posted a draft regulation with revisions for public comment. However, OHCQ suspended the process to finalize the nursing home regulations, which were also undergoing a comprehensive review, with the understanding that the assisted living program revisions would be completed following promulgation of the nursing home regulations. In June 2019, the nursing home regulations were finalized. LifeSpan and LeadingAge Maryland are very supportive of completing the assisted living program revisions and strongly believes that the process typically adopted by OHCQ (garnering input by stakeholders and holding meetings) is the appropriate forum for these discussions.

The Senate Finance Committee has already acted upon the cross-file to House Bill 416 (Senate Bill 204) and revised the bill to focus on training and topic content within the already designated Alzheimer’s Special Care Unit and included uncodified language to require adoption of the assisted living regulations by December 1, 2022. LifeSpan and LeadingAge are generally supportive of the intent of the Senate amendments but want to ensure that the 2016 draft is the starting point for discussion and is not required to be adopted “as is.” More work needs to be done. Given the other changes made to Senate Bill 204, we also believe that the remaining items should be drafted to the existing section regarding the items that must be included in the regulations. With the amendments below, LifeSpan and LeadingAge support House Bill 416 and urge a favorable vote.

AMENDMENT TO HOUSE BILL 416  
First Reading File Bill

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike “Memory Care and Alzheimer’s Disease Unit”; strike beginning with “, including” in line 6 down through “procedures,” in line 8; in lines 9 and 10, strike “defining certain terms” and substitute “defining a certain term; requiring the Department to adopt certain regulations on or before a certain date”; in line 12, strike “adding to” and substitute “repealing and reenacting”; and in line 13, strike “19-1805(c)” and substitute “19-1805(a)(9) and (10)”.

AMENDMENT NO. 2

On page 1, strike lines 20 down through line 5 on page 3, inclusive, and substitute:

“(a) (9) Define which, if any, assisted living programs may be exempt from the requirements of § 19-311 of this title; AND

(10) FOR ALZHEIMER’S SPECIAL CARE UNITS:

(I) ESTABLISH THE NUMBER OF TRAINING HOURS TO BE COMPLETED FOR THOSE EMPLOYEES WORKING IN ALZHEIMER’S SPECIAL CARE UNITS;

(II) DETERMINE THE TOPIC CONTENT REQUIRED IN ALZHEIMER’S AND DEMENTIA CARE FOR THOSE EMPLOYEES WORKING IN ALZHEIMER’S SPECIAL CARE UNITS; AND

(III) REQUIRE STAFF SUFFICIENT TO MEET THE NEEDS OF RESIDENTS IN ALZHEIMER’S SPECIAL CARE UNITS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Department of Health shall:

(1) Convene interested stakeholders to make revisions to the assisted living program regulations (COMAR 10.07.14) using the 2016 Draft (September 30, 2016) as the starting point for discussion; and

(2) Adopt the revised regulations on or before December 1, 2022, which incorporate the requirements contained in Section 1 of this Act.”.

**For More Information:**

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