

# LeadingAge Maryland - 2024 - SB 613 - Assisted Liv

Uploaded by: Aaron Greenfield

Position: FAV



576 Johnsville Road  
Sykesville, MD 21784

**TO:** Finance Committee  
**FROM:** LeadingAge Maryland  
**SUBJECT:** Senate Bill 613, State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers  
**DATE:** February 29, 2024  
**POSITION:** **Favorable**

LeadingAge Maryland supports Senate Bill 613, State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers

LeadingAge Maryland is a community of more than 140 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Members of LeadingAge Maryland provide health care, housing, and services to more than 20,000 older persons each year. Our mission is to be the trusted voice for aging in Maryland, and our vision is that Maryland is a state where older adults have access to the services they need, when they need them, in the place they call home.

Senate Bill 613 extends, from October 1, 2024, to July 1, 2026, the date by which individuals must be licensed by the State Board of Long-Term Care Administrators before practicing as an assisted living manager in the State. The bill also alters the requirements for the manager training course that assisted living managers are required to complete as well as changes the requirements for serving as an interim assisted living manager.

Managing the licensure for assisted living managers will be a new responsibility for the Board of Long-Term Care Administrators. Under their previous role as State Board of Nursing Home Administrators, the Board oversaw the licensure of roughly 500 individuals. In this new capacity, the Board will be responsible for the licensure of more than 2,000 individuals. The delay in implantation of this change required by this bill is necessary to ensure that both the Board and licensees have appropriate time to prepare for the transition.

For these reasons, LeadingAge Maryland respectfully requests a favorable report on Senate Bill 613.

**For more information, please contact Aaron J. Greenfield, Greenfield Law, LLC, 410.446.1992**

# **Written Support - SB613 - AL Manager Training - MD**

Uploaded by: Carmel Roques

Position: FAV



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: February 28, 2024

Bill Number: **SB613**

Bill Title: State Board of Long Term Care Administrators - Requirements for Assisted Living Managers

Committee: Senate Finance Committee

**MDOA Position: FAVORABLE**

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The Department of Aging (MDOA) submits this letter of support for Senate Bill 613 - State Board of Long Term Care Administrators - Requirements for Assisted Living Managers.

The Maryland Department of Aging (MDOA) serves as Maryland's State Unit of Aging, administering federal funding for core programs, overseeing the Area Agency on Aging (AAA) network at the local level that provides services, and planning for Maryland's older adult population. Pursuant to a recent Executive Order, in January 2024, MDOA launched the Longevity-Ready Maryland Initiative,<sup>1</sup> which will build upon existing efforts across state agencies, private and philanthropic sectors and other stakeholders to tackle real-life challenges throughout the lifespan, taking a whole-of-life and whole-of-government approach. Key goals of Longevity-Ready Maryland are for all Marylanders to lead lives that are healthy, financially secure, socially connected, purposeful - with increased access to affordable housing, healthcare and retirement needs. This includes access to high-quality assisted living options of different sizes, a critical long-term care sector that Maryland should promote growth in. Smaller assisted living facilities, with less than six residents, are particularly important for Maryland to devote attention to and promote their growth, as they can typically deliver a more affordable option in more residential community settings.

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<sup>1</sup> See, Maryland Department of Aging: Longevity-Ready Maryland Initiative *available at*: <https://aging.maryland.gov/Pages/LRM.aspx>



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

In 2022, when this body first legislated that all assisted living facilities should be included under the state's licensing and training requirements, it did so with sound intent. As passed in 2022, there was a two-year window for assisted living facilities and their managers to come into compliance smoothly with this requirement. It could not have predicted that the standing up of the new Board of Long-Term Care Administrators would be delayed, making communication and implementation work around this new requirement minimal. Assisted living facilities of all sizes should have received early outreach from the Board of Long-Term Care Administrators about this new training requirement and clear guidance about where to access suitable training options for this requirement to take effect, with potential penalties, this fall. The proposed 18 month delay from October 1, 2024 to July 1, 2026, gives a reasonable extension of time for this training requirement to work as intended. The Department of Aging also supports the key modernizing language included in the SB613 around the method of training; making clear that 100% virtual, on-demand, pre-recorded approved training will be allowed. At the smallest assisted living facilities, this will go a long way to facilitate the assisted living manager completing this requirement.

For these reasons, the Department of Aging respectfully urges a favorable report for SB613. If you have any questions, please contact Andrea Nunez, Legislative Director, at [andrea.nunez@maryland.gov](mailto:andrea.nunez@maryland.gov) or (443) 414-8183.

Sincerely,

A handwritten signature in blue ink that reads "Carmel Roques".

Carmel Roques  
Secretary  
Maryland Department of Aging

**SB0613\_FAV\_LifeSpan\_Board LT Care Admins. - Req. A**

Uploaded by: Danna Kauffman

Position: FAV



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

TO: The Honorable Pamela Beidle, Chair  
Members, Senate Finance Committee

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
Christine K. Krone  
410-244-7000

DATE: February 29, 2024

RE: **SUPPORT** – Senate Bill 613 – *State Board of Long-Term Care Administrators – Requirements for Assisted Living Managers*

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On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities (CCRCs), medical adult day care centers, senior housing communities, and other home and community-based services, we **strongly support** Senate Bill 613. In addition to making technical and clarifying changes to the statute, this bill provides additional time for the State Board of Long-Term Care Administrators (“Board”) to license assisted living managers and provides the same amount of additional time for individuals employed in small homes (four beds and under) to take the 80-hour manager training course.

In 2022, the General Assembly passed legislation to require both of the above-referenced requirements. The legislation also required the appointment of five individuals to the Board who meet the requirements to be an assisted living manager. In addition, the legislation required, by October 1, 2023, the board to report on (1) the status of the appointment of the assisted living managers to the board; (2) the number of personnel employed by the board to implement the assisted living manager licensure requirements; (3) the ability of the board’s software platform to accept applications for licensure as assisted living managers and issue the licenses; (4) the timeframe for informing and steps that will be taken to inform assisted living programs and assisted living managers of the licensure requirement; and (5) any other policies that the board anticipates adopting to implement the bill.

There are approximately 1,700 assisted living programs operating in the State. It is anticipated that, with this requirement, approximately 3,400 individuals will seek licensure through the Board. At this time, the Board does not have the tools and resources it needs for an effective and efficient implementation of this requirement. The Administration has not completed the process for appointing the five assisted living managers to the Board, the Board has not been granted additional staff for implementation, and the Board does not have an electronic system for accepting applications. Equally important is the need to grant additional time to educate and ensure that those in small programs are aware of and have the opportunity to take the 80-hour manager training course, which includes ensuring that there is adequate capacity within the vendors that teach the course to accommodate this new requirement. Therefore, we request a favorable vote.



**SB 613 -Long-Term Care Admin Bd - support - FIN.pd**

Uploaded by: Jason Caplan

Position: FAV



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

**State Board of Long-Term Care  
Administrators  
4201 Patterson Avenue, Room 305  
Baltimore, MD 21215**

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### 2024 SESSION POSITION PAPER

**BILL NO: SB 613**  
**COMMITTEE: Health and Government Operations**  
**POSITION: Support**

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**TITLE: State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers**

**BILL ANALYSIS:** The bill seeks to extend the date by which individuals must be licensed by the State Board of Long-Term Care Administrators (the “Board”) before practicing as an assisted living manager (“ALM”) in the State; altering the requirements for the ALM training course that certain ALMs are required to complete; altering the requirements for serving as an interim ALM; and generally relating to the Board and ALMs, which licensure laws regarding ALMs, under §§ 9-101 *et seq.*, went into effect on October 1, 2022.

**POSITION AND RATIONALE:** The Board supports SB 613.

As of July 1, 2023, there were 1721 Assisted Living Programs (“ALPs”) in Maryland, which may potentially result in the Board issuing more than 3400 licenses for ALMs. The Board currently is responsible for the licensure and regulation of the approximately 500 nursing home administrators (“NHAs”) in Maryland, and there are approximately 240 nursing home facilities in Maryland. The Board issues initial and renewal NHA licenses throughout the year as well as investigates and disciplines NHAs when appropriate. Extending the date for when ALMs will initially be licensed will provide the Board with the time it needs to ensure that organizational, operational, and IT infrastructure will support the dramatic increased workload, which will include promulgating regulations governing the licensure and regulation of ALMs and facilitating the build-up of all Board operations. The additional time will prevent the disruption of its regulation of NHAs while the Board constructs the necessary framework for receiving and reviewing ALM applications and intaking complaints, investigating, and sanctioning ALMs for any serious incidents that could endanger the safety and welfare of their residents.

Unfortunately, the Board has experienced significant setbacks over the past year, which have delayed its progress toward being ready for the implementation of the ALM licensure requirement on October 1, 2024. In April 2021, the Board hired a new executive director who

began work in 2022 to prepare the Board for implementation of the new ALM responsibilities. The executive director formed a strategic planning workgroup to identify important action items and next steps in the planning phase, which included hiring a licensing assistant in June 2023. But in September 2023, the executive director resigned, and the deputy director (who then stepped in as acting executive director) resigned in November 2023. The licensing assistant was the only full-time Board employee until the new executive director was hired in December 2023.

Several areas of concern have been raised with the Board. The Board still has three ALM board seat vacancies, an inadequate online license renewal portal, and no automated process for all other board operations. The likely eight-fold increase in workload necessitates additional time for planning and procurement of resources and expertise. Additionally, the Board must work in coordination with the Office of Health Care Quality, the Maryland Department of Aging, and the applicable trade associations, who each have a significant role in this endeavor. The Board believes that it can meet the challenges faced with its new responsibilities if the ALM licensure date is moved back until July 1, 2026.

Thank you for your consideration. The Board respectfully requests a favorable report on SB 613.

For more information, please contact Ms. Linda Burrell-Warr, Executive Director for the Maryland State Board of Long-Term Care Administrators, at 410-764-4749 or [linda.burrell-warr2@maryland.gov](mailto:linda.burrell-warr2@maryland.gov).

*The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.*

# **HFAM Testimony SB 613.pdf**

Uploaded by: Joseph DeMattos

Position: FAV



**TESTIMONY BEFORE THE  
SENATE FINANCE COMMITTEE**

February 29, 2024

Senate Bill 613: State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers  
*Written Testimony Only*

**POSITION: FAVORABLE**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for Senate Bill 613.

HFAM represents skilled nursing centers and assisted living communities in Maryland, as well as associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state. HFAM is affiliated with the American Health Care Association/National Center for Assisted Living (AHCA/NCAL), which is the largest association in the United States representing long-term and post-acute care providers.

Senate Bill 613 extends, from October 1, 2024, to July 1, 2026, the date by which individuals must be licensed by the State Board of Long-Term Care Administrators before practicing as an assisted living manager in the State; alters the requirements for the manager training course that certain assisted living managers are required to complete; and alters the requirements for serving as an interim assisted living manager.

In 2022, HFAM supported with amendments the original legislation to rename the State Board of Examiners of Nursing Home Administrators to be the State Board of Long-Term Care Administrators and establish a licensing and regulatory system for assisted living managers under the Board. We maintain our position that it is important to further professionalize, support, and organize assisted living managers in the way we have licensed nursing home administrators for decades and with the oversight of a professional board and expanded rules of professional conduct mirroring those that have long been in place for licensed nursing home administrators.

We believe that SB 613 makes relatively small but important changes to the law passed in 2022, such as permitting both in-person courses and virtual training methods for assisted living manager training. SB 613 also pushes back the date that an individual must be licensed before practicing as an assisted living manager in Maryland from October 1, 2024 to July 1, 2026, and adjusts the deadlines requiring Board members to be assisted living managers.

**For these reasons, we request a favorable report from the Committee on Senate Bill 613.**

*Submitted by:*

Joseph DeMattos, Jr.

President and CEO

(410) 290-5132

# **SB613 Assisted Living Manager.pdf**

Uploaded by: Pamela Beidle

Position: FAV

**PAMELA G. BEIDLE**  
*Legislative District 32*  
Anne Arundel County

Chair, Finance Committee

Executive Nominations Committee

Joint Committee on Gaming Oversight

Joint Committee on Management  
of Public Funds

Spending Affordability Committee



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**THE SENATE OF MARYLAND**  
**ANNAPOLIS, MARYLAND 21401**

February 29, 2024

**SB613: State Board of Long-Term Care Administrators –  
Requirements for Assisted Living Manager**

Good afternoon, Vice Chair Klausmeier and Members of the Committee;

Thank you for the opportunity to present Senate Bill 613: State Board of Long-Term Care Administrators – Requirements for Assisted Living Manager.

In 2022, this committee passed Senate Bill 720, which was introduced by our then Chair Delores Kelley and I was a co-sponsor. That legislation renamed the State Board of Examiners of Nursing Home Administrators to be the State Board of Long-Term Care Administrators. More importantly, the bill required the Board to license assisted living managers in the State by October 1, 2024. In addition, the bill required managers in small homes to take the 80-hour training, which they were previously exempted from taking.

This is a large undertaking. There are approximately 1700 assisted living programs in the State and it is estimated that the Board will be licensing upwards of 4,000 individuals given the number of managers, alternate managers, and others. At this time, the Board is requesting additional time for implementation.

Why do they need the extra time?

- Today only two of the five assisted living manager appointments to the Board as required by the legislation have been made.
- While the Board has requested additional employees, it only has two employees.
- Lastly, in order to be successful in the implementation, the Board needs an electronic licensing system, which it does not have yet.

SB 613 gives the small homes additional time to take the 80-hour course, providing greater flexibility on how that course can be delivered and assisting many of the owner operated homes to complete the course. The bill also requires the Board to provide three reports so that we can monitor their progress.

While I would have wanted to see the licensing go into effect this year, we can't impose a requirement on the Board without the resources to be successful, and we don't want to upend the industry.

This additional time to implement the program will ensure success; similar to the extensions needed for other implementation programs such as the Family and Medical Leave Insurance Program.

I respectfully ask for a favorable report on SB 613.

# **SB 613 - FWA - ALZ Association Testimony.pdf**

Uploaded by: Megan Peters

Position: FWA



alz.org/maryland  
800.272.3900

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Western Maryland  
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909 Progress Circle, Suite 400  
Salisbury, MD 21804  
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**Bill:** SB 613 - State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers

**Committee:** Senate Finance Committee

**Position:** Favorable with Amendments

**Date:** February 29, 2024

On behalf of the more than 110,000 Marylanders living with Alzheimer's, the Alzheimer's Association supports with amendments *SB 613 - State Board of Long-Term Care Administrators - Requirements for Assisted Living Managers*.

SB 613 is extending the date - from October 1, 2024 to July 1, 2026 - by which individuals must be licensed by the State Board of Long-Term Care Administrators before practicing as an assisted living manager in Maryland. It also alters the requirements for the manager training course that assisted living managers are required to complete and alters the requirements for serving as an interim assisted living manager.

In 2023, among older adults nationwide living in residential facilities, including assisted living, 34% have some form of Alzheimer's or other dementias.<sup>1</sup> Dating back to 2006, the Maryland Office of Health Care Quality (OHCQ) issued a report stating that residents in Assisted Living Facilities are frailer and have more memory issues than when OHCQ began regulating ALFs in 1996.<sup>2</sup>

In 2022, legislation passed to establish licensure requirements for Assisted Living Managers.<sup>3</sup> The Alzheimer's Association supports the improved standard and strengthened oversight for assisted living managers. We also understand the challenges entailed in developing and implementing a new licensure requirement, and we appreciate the Board's submission of their mandated report regarding the status of implementation.<sup>4</sup>

Within the Board's report on implementation, they discussed challenges that had arisen in implementation, including staffing shortages and IT challenges. The Alzheimer's Association

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<sup>1</sup> 2023 Alzheimer's Disease Facts and Figures.

<https://www.alz.org/media/Documents/alzheimers-facts-and-figures.pdf>

<sup>2</sup> Maryland's Assisted Living Resident Assessment and Level of Care Scoring Tool, 2006.

[https://health.maryland.gov/ohcq/AL/Docs/AL\\_Forms/al\\_tool\\_guide.pdf](https://health.maryland.gov/ohcq/AL/Docs/AL_Forms/al_tool_guide.pdf)

<sup>3</sup> SB 720/HB 1034 (2022) - State Board of Examiners of Nursing Home Administrators - Renaming, Licensure of Assisted Living Managers, and Penalties.

<https://mgaleg.maryland.gov/mgaweb/Legislation/Details/sb0720/?ys=2022rs>

<sup>4</sup> Report on the Status of Assisted Living Manager Licensing Required Under 2022 HB 1034.

[https://dlslibrary.state.md.us/publications/Exec/MDH/SB720Ch690HB1034Ch689\(4\)\(2022\).pdf](https://dlslibrary.state.md.us/publications/Exec/MDH/SB720Ch690HB1034Ch689(4)(2022).pdf)

supports an extension to ensure a smooth rollout of this important new licensure. However, we respectfully request the committee reconsider the length of the extension to 2025, and allow the Board to return next year if an extension into 2026 is needed. We also urge the committee to consider additional reporting requirements in the Board's annual report on implementation to include additional updates and timeline on staffing and software readiness, which are both important to the successful rollout and ensuring the Board can meet the extended deadline.

If you have questions or concerns, please contact Megan Peters, Director of Government Affairs at [mrpeters@alz.org](mailto:mrpeters@alz.org) with any questions.

### **SB 613 Amendments**

On page 8, in line 1, after "Board" insert "**, INCLUDING THE STATUS OF VACANT POSITIONS,**"

**Rationale:** The Governor's proposed FY25 budget provides three positions for the Board. In the Board's October 2023 status report on implementation of licensure<sup>5</sup> the Board shared that they had requested three additional positions to assist in areas such as licensing, compliance with regulatory requirements, investigation and disciplinary actions, fiscal management, and exam/education/training monitoring. If these new positions are approved in the FY25 budget, it will be important to receive updates on the status of these positions as they will be integral to building capacity at the Board to implement the new licensure requirement.

On page 8, in line 4, after "licenses" insert "**, INCLUDING A TIMELINE AND UPDATE ON IMPLEMENTATION OF ANY NECESSARY SYSTEM UPDATES**"

**Rationale:** In the Board's October 2023 status report on implementation of licensure, the Board shared that IT was not able to provide a guarantee that an electronic system would be operational by October 1, 2024. Having an operational software platform is key to a smooth rollout of a new licensure system, and any unexpected issues could delay the rollout of the licensure even further. Including additional reporting on estimated timelines and implementation of software updates will be important to ensure the Board is on track to meet the extended timeline.

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<sup>5</sup> Report on Status of Assisted Living Manager Licensing Required Under 2022 HB 1034  
[https://dlslibrary.state.md.us/publications/Exec/MDH/SB720Ch690HB1034Ch689\(4\)\(2022\).pdf](https://dlslibrary.state.md.us/publications/Exec/MDH/SB720Ch690HB1034Ch689(4)(2022).pdf)

**SB 613 SLTCOP testimony.pdf**

Uploaded by: Stevanne Ellis

Position: FWA

Bill: SB 613

State Board of Long-Term Care Administrators - Requirements for  
Assisted Living Managers

Position: Support with Amendments

February 28, 2024

The Maryland Long-Term Care Ombudsman program advocates for residents in nursing homes and assisted living facilities in Maryland. Ombudsmen work to resolve complaints that can have adverse effects on the quality of care, safety, health, and quality of life of the citizens that reside in these facilities. In Maryland, ombudsmen provide these services to the over 50,000 citizens that live and receive services in nursing homes and assisted living facilities.

I am a member of this board, but I am testifying as the State Long-Term Care Ombudsman because of the importance of this bill related to the quality of life and protection of residents in assisted living facilities.

I am concerned about the complaints residents raise, especially those that are the result of an action or inaction by the assisted living manager. Because of this, assisted living managers need licenses. The Long-Term Care Ombudsman Program has examples of cases where residents in assisted living facilities were not treated with dignity, suffered abuse and exploitation, were trafficked for benefits, were not involved in decision making related to their care or finances, and were discharged inappropriately. When these rights are violated, it can often lead to very serious, devastating, and at times life threatening or deadly situations. There are providers that take away basic resident rights and create their own "house rules". We see providers restricting visitors, outings, meals, and have inappropriate access to the resident's money all the time.

I recommend that the committee review the history of this bill. I was thrilled when it became law because in addition to resident protections there would be standards that would allow assisted living managers to be held professionally accountable for the first time. This is critical for the assisted living manager and to help ensure the quality of care of the residents.

It should be also noted that many of the complaints cited by the Office of Health Care Quality are related to the assisted living manager not having the qualifications for the role.

I am requesting a favorable report of this bill with amendments. I do want the Board to be successful in implementing the requirements of the bill. I agree with extending the date of the bill until the end of 2025 to give the Board more time. I believe waiting until 2026 is too long. I want to stress that many residents in assisted living facilities require the same level of care as nursing home residents and deserve to have qualified assisted living managers that have the professional standards required by this bill. I respectfully request that this date be reconsidered. If at the beginning of 2025 it looks like there will be delays in implementing the requirements of this bill, I am requesting that the Board be granted an extension until 2026.

Additionally, because of the complex nature of the work of the assisted living manager, I believe that the language be added to the bill to limit the number of virtual hours for training. Virtual training should only be a substitute when direct faculty interaction is not needed.

Finally in section in the following section:

9–401. 19 (a) Except as otherwise provided in this title, an individual may not: 20

(3) Practice, attempt to practice, or offer to practice as an assisted living 21

manager in this State unless licensed by the Board; or 22 (b) (3) If the Board finds a violation of subsection (a)(3) of this section on or 23 before [September 30, 2025] JUNE 30, 2027, the Board shall provide the individual with 24 written notice and a 60–day period to comply with the licensure requirement before 25 imposing the fine.

I am requesting that this date be the same date that the law goes into effect.

We are seeing an increase in assisted living facility complaints often because of the assisted living manager. These complaints are often egregious and in addition regulatory violations, they are criminal acts. I am terribly worried about these providers and the harm they are causing residents and the residents' families.

This law will add additional protections and help ensure the quality of care and quality of life of residents in assisted living facilities. This is what the residents deserve.

I respectfully ask for my comments to be considered and offer a favorable report for this bill with the amendments I am proposing.

Sincerely,

Stevanne Ellis

Maryland State Long-Term Care Ombudsman

# **SB 613 State Board of Long-Term Care Administrator**

Uploaded by: Tammy Bresnahan

Position: FWA



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**SB 613 State Board of Long-Term Care Administrators – Requirements for Assisted Living Managers  
Favorable with Amendments  
Senate Finance Committee  
February 29, 2024**

Good afternoon, Chair Beidle and members of the Senate Finance Committee. I am Tammy Bresnahan. I am the Senior Director of Advocacy for AARP Maryland. AARP, which advocates for the more than two million Marylanders age 50 and older and are favorable with amendments to SB 613.

SB 613 extends from October 1, 2024, to July 1, 2026, the date by which individuals must be licensed by the State Board of Long-Term Care Administrators before practicing as an assisted living manager in the State. It alters the requirements for the manager training course that assisted living managers are required to complete; and alters the requirements for serving as an interim assisted living manager.

**Background**

In October 2000, the Oversight Committee on Quality of Care in Nursing Homes and Assisted-Living Facilities originated when the General Assembly established the Oversight Committee on Quality of Care in Nursing Homes. The Committee adopted its present name on October 1, 2005 adding in Assisted Living. AARP is represented on the Committee. It was brought to the attention of the Committee many years ago, problems in assisted living facilities, such as inadequately trained staff, too few staff, medication errors, and the admission and the proper retention of records.

Dating back to 2005, The Maryland Office of Health Care Quality (OHCQ) issued a report entitled Maryland's Assisted Living Evaluation. The report confirmed that residents in Assisted Living Facilities (ALF) are frailer and have more memory issues than when OHCQ began regulating ALFs in 1996. At that time, they estimate that two-thirds of residents in assisted living programs have moderate to severe dementia and less than half receive adequate treatment for their condition. Most residents have multiple medical diagnoses, some debilitating, and take, on average, 9-14 medications per day.

For more than a decade, residents in ALFs are those that have high or just as high memory issues and are as frail as residents in nursing homes. While nursing homes are highly regulated and have medical staff requirements, ALF staff have no such requirements or very limited requirements. Not to mention that the Assisted Living Regulations have not been updated since 2008.



In 2020 a bill was introduced with support of the advocacy community with opposition from the industry. SB 480 State Board of Examiners of Nursing Home Administrators - Renaming and Licensure of Assisted Living Managers required that all assisted living managers be licensed by the state of Maryland. The bill renamed the Board of Nursing Home Examiners to the Board of Examiners of Long-Term Care. The bill amended the composition of the Board by adding three actively practicing assisted living managers with a minimum of five years of practice experience and two consumers who have relevant experience with relatives residing in assisted living facilities. (That bill was withdrawn by the sponsor.)

And then in 2022, Senate Bill 720/House Bill 1074 was introduced. The bill renamed the State Board of Examiners of Nursing Home Administrators to be the State Board of Long-Term Care Administrators and requires that an individual be licensed by the board to practice as an assisted living manager in the State beginning October 1, 2024. Individuals who have been employed in the State as an assisted living manager and worked at a program with five or more beds as of September 30, 2022, are deemed to have satisfied the qualifications for licensure. An assisted living manager employed by a program with four or fewer beds must complete a specified manager training course by September 30, 2024. The bill alters board structure and membership requirements, specifies that the board is a medical review committee, and makes conforming changes. By October 1, 2023, the board must submit a report on implementation of the bill. The Office of Health Care Quality (OHCQ) must notify the board of the appointment of an assisted living program as a resident's representative payee.

The advocacy community understands that an agreement was reached to extend the requirements of the 2022 bill occurred between the Board, LifeSpan, the Office of Health Care Quality, and the Department of Aging to extend the time for compliance.

The advocacy community has had concerns about the quality of care in assisted living dating back to 2005. Our concerns gave way to the bills introduced in 2020 and then again in 2022 and our ongoing advocacy to have new regulations promulgated by the Department.

We believe that residents in assisted living need the best possible care and that begins with well trained staff. As one of the advocacy organizations that supported the 2022 bill, we have ongoing concerns about extending time frames and altering the requirements. We remain frustrated at the delays and believe residents are at risk. Our most vulnerable Marylanders are at the heart of this issue.

While we know you may be inclined to support extending the dates to come into compliance, we urge you to consider the Ombudsman amendment which extends compliance to 2025 rather than 2026 and to require a performance plan, time frames and progress report to ensure compliance with the extension you deem is necessary. If you have questions or concerns, please feel free to contact Tammy Bresnahan at [tbresnahan@arp.org](mailto:tbresnahan@arp.org) or by calling 410-302-8451.