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LD 960 An Act Facilitating the Discharge of Hospitalized Patients to Nursing Facilities

Testimony of the Maine Long-Term Care Ombudsman Program

March 24, 2025

Before the Joint Standing Committee on Health and Human Services

Good morning, Senator Ingwersen, Representative Meyer and Committee members, my name is Laura Harper. I am a Senior Associate with Moose Ridge Associates. I am here today on behalf of the Maine Long-Term Care Ombudsman Program.

The Ombudsman Program provides statewide advocacy services for older and disabled adults residents of nursing homes, residential care and assisted living and for recipients of home care services and adult day services. Additionally, the program serves patients in hospitals ready for discharge who experience barriers in accessing care.

We agree with the provision in section 1 of this legislation that removes identification of a nursing facility or residential care facility for a patient as a requirement to proceed with a petition for emergency guardianship. As we understand it, it can take months to complete a guardianship study. With this in mind, tying a guardianship study to bed availability creates an unnecessary delay. Lack of a decision maker can be a barrier to admission to a nursing home or residential care facility. If a patient is in need of a decision maker, waiting until a bed is found to start the process puts the patient at risk of losing that bed.

We are particularly concerned about the proposal to remove the requirement for a placement to be within a 60-mile radius from a MaineCare member's home when the member is being discharged from a hospital to a nursing home. We understand the challenges faced by hospital discharge planners resulting from the closure of several nursing homes across the state.

Additionally, the direct care staffing shortage sometimes limits admission to nursing homes. At the same time, we know how critical it is for older and disabled residents of nursing homes to maintain regular visitation with loved ones. In our experience in advocating for nursing home

residents, we have observed the great benefits of regular contact with family members. The 60-mile radius rule is an important protection for these residents.

We do support expediting the MaineCare application process from 45 to 30 days for a hospitalized patient awaiting placement to a nursing home. Nursing homes want the assurance of a payor source when accepting a patient for admission. Processing applications more quickly will be helpful in facilitating a needed admission to a nursing home.