



Testimony of Sarah Calder, MaineHealth
In Opposition to LD 979, "Resolve, Regarding Legislative Review of Chapter
113: Assisted Housing Programs Licensing Rule, a Late-filed Major
Substantive Rule of the Department of Health and Human Services"
Tuesday, April 1, 2025

Senator Ingwersen, Representative Meyer and distinguished members of the Joint Standing Committee on Health and Human Services, I am Sarah Calder, Senior Government Affairs Director at MaineHealth, and I am here to testify in opposition to LD 979, "Resolve, Regarding Legislative Review of Chapter 113: Assisted Housing Programs Licensing Rule, a Late-filed Major Substantive Rule of the Department of Health and Human Services,"

MaineHealth is an integrated non-profit health care system that provides a continuum of health care services to communities throughout Maine and New Hampshire. Every day, our over 24,000 care team members support our vision of "Working Together so Our Communities are the Healthiest in America" by providing a range of services from primary and specialty physician services to a continuum of behavioral health care services, community and tertiary hospital care, home health care and a lab. We also operate long term care facilities, including Assisted Living programs.

While we acknowledge the Department's changes to the proposed rule based on the comments it received, MaineHealth remains strongly opposed to many of the changes in the proposed rule, especially the significant increase in staffing that the rule would require. Maine's long term care system is already in a tenuous staffing situation and financial situation that would be significantly exacerbated by adoption of this rule.

As I shared with you last week, across the MaineHealth system, we estimate that on any given day there are approximately 100 patients who are cleared for discharge but for whom there is no appropriate safe discharge option. Maine does not have adequate capacity to meet the needs of its population today and, should the staffing ratios required in this proposed rule be implemented, additional residential care beds and facilities will be forced to close. Maine has a documented shortage of RNs. There has been no evidence of a need for RNs in assisted living facilities, and requiring such will be extremely difficult and expensive to comply with.

Additionally, we continue to have concerns with the following:

- Section 16.U of the Residential Care regulations mandates that "each facility must have a call bell system to meet the needs of the residents to ensure that residents can call for staff assistance when not in common areas of the facility." This requirement is highly problematic, as staff will be continuously responding to calls from cognitively impaired residents who may not understand the purpose of the call bell system. This will significantly hinder our ability to meet residents' needs, as staff will be diverted from focusing on providing genuine and effective care.
- It remains unclear if an RN needs to be onsite at all times in Section 2, E.3.d.iii (page 10) of the Assisted Living regulations. Should this be the case, it would present significant

challenges and complications. Given that RNs are not mandated to be onsite at all times in nursing homes, it is unclear why such a requirement would be necessary for residential care in an assisted living setting.

MaineHealth is deeply concerned by any changes that would reduce access to care. Maine cannot afford to lose access to any more long-term care beds. We are in a crisis of patients remaining in higher levels of care much longer than is necessary because there is nowhere for them to go. This rule would greatly exacerbate the problem, as facilities would need to close beds to cope with the increased staffing requirements, financial impacts, and administrative burden. Many smaller facilities would need to close outright.

We urge you to reject these rules and request that the Department continue to work with stakeholders on these rules so that both patient safety and access to care are carefully and thoughtfully balanced. Thank you for the opportunity and I would be happy to answer any questions that you may have.