



**August 19, 2024**

Sent Via Email: mhcc\_regs.comment@maryland.gov

Mr. Ben Steffen  
Executive Director  
Maryland Health Care Commission  
4160 Patterson Avenue  
Baltimore, MD 21215

**Re: Draft Changes to COMAR 10.24.01 and 10.24.20**

Dear Mr. Steffen,

Thank you for the opportunity to submit comments on the draft changes to COMAR 10.24.01 and 10.24.20.

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. We partner with consumers, caregivers, researchers, public agencies, faith communities and others who care about aging in Maryland.

LeadingAge Maryland was glad to partner with MHCC and others during the 2024 Legislative Session on the contents of SB 1000 and HB 1122 and appreciate the work that has gone into revising the regulations.

Regarding the proposed draft regulations, LeadingAge Maryland is concerned about potential unintended consequences of 10.24.20, .03C: Policy Statements. There is lack of clarity around how providers with current exceptions, like CCRCs, will be affected by new requirements. These concerns were also noted in both LifeSpan and HFAM's comments to MHCC. For example, it is unclear from the draft changes, which state that "the Commission will require that an applicant seeking to establish, renovate, replace or acquire a nursing home serve an equitable proportion of

Medicaid Eligible individuals in the jurisdiction or region” if CCRCs who do not participate in Medicaid would now be required to do so if the CCRC transferred ownership. We do not recall that such a policy changed was ever discussed or envisioned in the deliberations on SB 1000 and HB 1122.

Though limited, there are a small number of CCRCs who do not participate in Medicaid. We urge that any changes to this section of COMAR not institute a new requirement that a CCRC who does not otherwise participate with Medicaid to do so should there be a transfer of ownership. We would further urge that any changes that would affect CCRCs be developed in collaboration with the Maryland Department of Aging who has regulatory and oversight authority for these settings.

We welcome the opportunity to meet with you about this issue and discuss further.

Sincerely,

A handwritten signature in black ink, appearing to read "Allison Ciborowski". The signature is written in a cursive, flowing style.

Allison Ciborowski

President and CEO, LeadingAge Maryland