



THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**FAVORABLE – HB698**

February 12, 2024

Chair Clippinger and Members of the House Judiciary Committee

HB 698 as drafted does two things:

1. It requires a court to rule on petitions to appoint a guardian of the person for the purpose of making decisions relating to discharge from a hospital within 10 days; and
2. Allows hearings to appoint a guardian of the person of a disabled person to be held virtually.

Hospital emergency department wait times in Maryland are some of the worse in the country. Over the interim, a Workgroup was convened at the direction of the General Assembly to investigate the underlying causes contributing to the problem and to develop recommendations. The Workgroup concluded there are multiple factors contributing to this problem, including insufficient care options outside a hospital, throughput inefficiencies inside the hospital, and the ability for the hospital to discharge individuals who no longer need acute care in a timely manner.

Regarding timely discharge of disabled individuals, the Workgroup heard over and over there are significant delays in the appointment of a guardian and there are wide variations between jurisdictions on the time it takes for the court to appoint a guardian. Unfortunately, there are consequences associated with those delays. Most importantly, the patient is not in the right setting to meet their needs and often the patients' condition deteriorates due to isolation, a higher risk of infection, lack of rehabilitation services, etc.

Another consequence associated with these delays, is the inability to admit patients who need acute care services who are waiting for a bed in the emergency department. This leads to patients being "boarded" in the emergency department for long periods of time and limits their access to care.

Lastly, allowing for guardianship hearings to be held virtually will make the process more efficient. This was done during the pandemic and worked well.

I have met with the stakeholders, and we discussed the bill and determined what we agree on and what we do not. It seems that the opposition would agree to a virtual hearing, on the condition that the same accommodations one would have in an in-person hearing – would be provided.

The common point of contention with the opponents of the bill was the expedited permanent loss of rights for the disabled person. I agree with their concerns. I intend to offer an amendment of Section 13-204 of the Estates and Trusts Article to allow for the authorization of specific transactions, such as a petition for discharge, without appointment of a guardian.

For these reasons I ask for your support on House Bill 698.