SB293HB442 - 2026 - MAJ Written Testimony .pdf

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Position: FAV

2026 WRITTEN TESTIMONY

PROFESSIONAL LIABILITY INSURANCE COVERAGE - NURSING HOMES, ASSISTED LIVING FACILITIES, AND NURSE MIDWIVES - DISCLOSURE

SB 293 / HB 422 - FAVORABLE

SB 293 / HB 422 extends existing Maryland law applicable to physicians and physician assistants to Nursing Homes, Assisted Living Facilities and Midwives, requiring them to notify residents and patients, in writing, if the Home, Facility or Midwife does not maintain professional liability insurance coverage, or if their coverage has lapsed and not been renewed.

Choosing healthcare providers or a facility to care for ourselves or our loved ones are some of the most difficult decisions that Marylanders make. Gathering information about health care providers and facilities is an important part of the decision-making process. Patients need to know if their provider or facility is covered by insurance in the event something goes wrong. While many Marylanders assume their providers have insurance, this is not always the case. The law does not require insurance for health care providers or facilities, and a number of them do not carry it.

The General Assembly has already recognized that patients must be told when a physician or physician assistant does not have insurance. SB 293 / HB 422 extends that same law to midwives, nursing homes, and assisted living facilities. It requires that an informed consent be signed by the patient and maintained in their medical records, and that notice of no insurance be posted conspicuously in the provider's office or facility for patients to see.

This bill is crucial for ensuring transparency and safeguarding the interests of vulnerable individuals who rely on the services of nursing homes, assisted living facilities, and midwives. Professional liability insurance serves as a critical safeguard, protecting patients from potential malpractice and ensuring that caregivers are financially accountable for their actions. By mandating clear and timely notification of the lack of insurance, this bill empowers patients and residents to make informed decisions about their care.

The Maryland Association for Justice urges a FAVORABLE Report on SB 293 / HB 422.

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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SB293 testimony.pdf
Uploaded by: Brian Brown
Position: FAV

BRIAN S. BROWN
ATTORNEY AND FOUNDING PARTNER
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BROWN & BARRON LLC

To Whom It May Concern:

I write in support of SB293. I am a Maryland attorney representing victims of negligence in nursing homes and assisted living facilities.

My office has handled numerous cases where injured residents and their families were unable to obtain fair compensation for devastating injuries—or even wrongful death—because the facility carried no liability insurance to cover claims of negligence. In one tragic case, an assisted living facility allowed our client's loved one to wander from the building on a winter night. She was found the next morning, having frozen to death.

In other cases involving multiple facilities, residents' families were left without recourse when a nursing home chain, without liability insurance, filed for bankruptcy. In each of these cases, negligence resulted in the loss of life, and the absence of insurance denied the victims' families any measure of justice.

For these reasons, it is imperative that Maryland patients and their families be informed at the time of admission whether the nursing home or assisted living facility maintains liability insurance. Families make these decisions during moments of extraordinary vulnerability, and transparency is essential to protecting them from further harm.

Thank you for your consideration of this testimony.

Sincerely,

/s/

Brian S. Brown

MaCCRA 2026 Testimony - Support - Senate Bill 293
Uploaded by: Bruce Hartung
Position: FAV

Maryland Continuing Care Residents Association
Protecting the Future of Continuing Care Residents
The Voice of Continuing Care Residents at Annapolis

SUBJECT: Senate Bill 293 - Professional Liability Insurance Coverage - Nursing Homes, Assisted Living Facilities, and Nurse Midwives - Disclosure
COMMITTEE: Senate Finance Committee
The Honorable Pamela Beidle, Chair
DATE: January 29 2026
POSITION: **Favorable**

The Maryland Continuing Care Residents Association (MaCCRA) is a not-for-profit organization representing the residents in continuing care retirement communities (CCRCs). Maryland has over 20,000 older adults living in 38 licensed CCRCs. The principal purpose of MaCCRA is to protect and enhance the rights, well-being, and financial security of current and future residents while maintaining the viability of the providers whose interests are frequently the same as their residents. MaCCRA supports efforts to enhance transparency, accountability, financial security, and preserve existing protections in law and regulation for current and future CCRC residents statewide.

On behalf of the MaCCRA, we support Senate Bill 293

This bill requires each nursing home in Maryland to notify prospective residents that it does not maintain professional liability insurance coverage and to notify prospective and current residents if it's professional liability insurance coverage has lapsed and not been renewed; and it requires that the prospective and current residents sign a copy of the notification.

The maintenance of professional liability insurance at senior living facilities is absolutely essential not only for the necessary indemnification against loss or injury, but also for the "guardrails" provided by the insurer. So, the existence of such coverage is a very important factor that should be timely disclosed to residents. One of the central themes in MaCCRA's mission is to provide for transparency in the governance of senior living facilities to the greatest extent possible.

Therefore, we ask for a favorable report on Senate Bill 293.

For further information please contact: Bruce Hartung, President
Maryland Continuing Care Residents Association c/o brucehartung@sbcglobal.net

SB0293_Favorable_McGilvrey.pdf
Uploaded by: Cara McGilvrey
Position: FAV

This letter is in favorable support of Senate Bill 293 (SB0293).

My name is Cara McGilvrey, and I am a proud Marylander. This bill would mean a great deal to me—and, more importantly, to my friend Ashley Lewis. I have known Ashley for over a decade and I have photographed all of her pregnancies and each of her children's newborn photos. When Ashley was pregnant with her third daughter, Nyeli, she asked me to photograph her first home birth. Ashley shared that she felt prepared, that her midwife was licensed, and that the midwife clearly presented herself as a medical professional. I was honored to be considered to document such a intimate and sacred occasion.

This bill would help ensure that midwifes who receives monetary compensation for overseeing pregnancies and deliveries must be held to responsible professional standard. At the very least, families should be informed if a provider does not carry liability insurance or if their insurance coverage has lapsed—especially when families are being asked to place trust in that provider for a life-altering medical event.

When I arrived at the Lewis residence after being notified that Ashley was in labor, I quickly began to sense that something was not right. Still, we trusted the midwife, who appeared calm and collected. I am a photographer—what did I know? So I sat patiently—documenting. The ordeal soon began to feel unintentionally violent. I watched my friend endure more than I have ever seen a woman endure. Then it became clear—Nyeli was breech and struggling to descend.

I expressed concern, and this licensed—but unknowingly uninsured—midwife portrayed herself as an "experienced" breech-birth medical expert. Because of this reassurance, my friend was not quickly alarmed. I reminded myself that I was only there to document; I am not a medical professional.

But I saw Nyeli's toes move. And then I didn't. She was stuck from the chest up and her skin began to lose its color. I asked the midwife if I they should call 911, and I was ignored. Soon, without asking again, I dialed 911 myself. I have never prayed harder in my life. The midwife had Ashley pushing in every imaginable birthing position in the short time I was there. Before Nyeli could be fully delivered, her body dangled limp in the air, her head still trapped in her mother's birth canal. I will never be able to erase that image from my mind. The trauma from this midwife's negligence rippled far beyond that bedroom.

The midwife Ashley trusted showed no interest in meeting us at the hospital. In fact, as I rushed out of the driveway to follow the ambulance, she had the audacity to stop me to ask that I retrieve a piece of her "medical equipment" that was with Nyeli. She was smiling when she abandoned Ashley and Nyeli, without any sign of remorse. She did not come to the hospital—not because she couldn't, but because she didn't care to. The hospital team made heroic efforts to save Nyeli, but she could not be revived. As I listened to my friend bare her soul, I slid to the floor in devastation. The knowledge that this tragedy could have been prevented continues to be unbearable. Nyeli died a horrific death.

Nyeli's family filed a civil suit against the midwife and was rightfully awarded millions. But they will never see any restitution for their unimaginable loss because the licensed midwife did not have—and did not disclose that she did not have—liability insurance. This midwife continued to practice midwifery until more than one family sued her for the deaths of their newborns. After the lawsuits were filed the midwife simply liquidated her business and disappeared. She failed to appear for civil court dates, and no criminal charges could be pursued.

So I state again that I am in favorable support of Senate Bill 293 which would state that a midwife who receives monetary compensation for overseeing pregnancies and deliveries must be held to responsible professional standard. At the very least, families should be informed if a provider does not carry liability insurance or if their coverage has lapsed—especially when the family is asked to place trust in that provider for a life-altering medical event. Families deserve transparent disclosure.

Please consider Senate Bill 293, which would require midwives to disclose their insurance status so families can make informed decisions for one of the most significant moments of their lives—pregnancy and birth. Please think of Nyeli when you sign this bill.

Thank you,
Cara McGilvrey

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SB 293 Written Testimony.pdf
Uploaded by: Karrie Craig
Position: FAV

Maryland
Long-Term Care
Ombudsman Program

Date: January 30, 2026

Bill Number: **SB 293 - Favorable**

Bill Title: Professional Liability Insurance Coverage - Nursing Homes, Assisted Living Facilities and Nurse Midwives - Disclosure

Committee: Finance

Office of the Long-Term Care Ombudsman Position: FAVORABLE

The Maryland Office of the Long-Term Care Ombudsman Program thanks the Chair and Committee members for the opportunity to submit this favorable testimony for Senate Bill (SB) 293 - Professional Liability Insurance Coverage - Nursing Homes, Assisted Living Facilities and Nurse Midwives - Disclosure.

The Maryland Long-Term Care Ombudsman Program (Ombudsman Program) is authorized under the Older Americans Act. It is a statewide program that advocates for the health, safety, well-being and rights of more than 54,000 Marylanders who live in nursing homes and assisted living facilities. In fiscal year 2025 the Ombudsman Program made 7,252 visits to long-term care homes, provided 7,013 instances of information and assistance and investigated, verified and resolved 3,978 complaints made by or on behalf of residents. The Ombudsman Program empowers residents, provides resident-directed advocacy, investigates complaints and provides community education and trainings for facility staff.

SB 293 would require nursing homes and assisted living programs to provide clear notice to residents regarding professional liability insurance coverage. This reform directly affects long-term care residents ability to understand their rights and make informed decisions.

- SB 293 advances residents' rights, safety and quality of life.
- SB 293 supports transparency, accountability and informed consent.
- SB 293 gives residents and families information and choice to protect themselves.

For these reasons, on behalf of Maryland's long-term care residents, I respectfully support SB 293. This bill will strengthen residents' rights, improve transparency and support safer, more person-centered care for Marylanders who live in nursing homes and assisted living facilities. Thank you for the opportunity to share the Ombudsman Program's perspective.

If you have any questions, please contact Karrie Craig, State Long-Term Care Ombudsman, at karrie.craig@maryland.gov or (410) 940-1721.

Sincerely,

Karrie Craig

SB 293 - Professional Liability Insurance Coverage
Uploaded by: Sara Westrick
Position: FAV

AARP Maryland

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SB 293 - Professional Liability Insurance Coverage - Nursing Homes, Assisted Living Facilities, and Nurse Midwives – Disclosure
Senate Finance Committee
February 3, 2026
FAVORABLE

Good afternoon, Chair Beidle, Vice Chair Hayes, and members of the Senate Finance Committee. Thank you for the opportunity to submit testimony in support of Senate Bill 293, regarding the disclosure of Professional Liability Insurance Coverage by nursing homes and assisted living facilities. We thank Senator Jackson for sponsoring this important legislation.

My name is Sara Westrick, Advocacy Director for AARP Maryland, and I am a recently appointed member of the Oversight Committee on Quality of Care in Nursing Homes and Assisted Living Facilities.

AARP Maryland is one of the largest membership-based organizations in the state, with approximately 850,000 members. We represent the interests of Maryland's over 50 population, including families who rely on high-quality nursing home and assisted living care. AARP brings the lived experiences, concerns, and priorities of our members to the discussion table, ensuring that policy decisions reflect the needs of older adults.

AARP Maryland has a long history of advocacy on long-term care issues. We believe this bill, which requires nursing homes and assisted living programs to notify residents, prospective residents, clients, or their representatives if they do not carry professional liability insurance or if their coverage has lapsed, improves transparency and consumer protection by ensuring people know whether a facility or provider is insured.

Residents and families often assume providers have liability coverage; SB 293 closes this information gap through simple written or electronic notice. This transparency is especially critical for medically vulnerable individuals.

Families may face significant financial burdens if negligence occurs and a facility is uninsured. SB 293 empowers Marylanders to make informed choices about care settings and encourages providers to be accountable. The bill requires a simple written or electronic notice, which is standard practice for regulated facilities and minimally burdensome.

SB 293 is a commonsense, consumer-focused measure that enhances transparency and protects vulnerable Marylanders. It enables individuals to make fully informed decisions about where they or their loved ones receive care. We respectfully request that the Committee issue a favorable report. If you have any questions, please contact Sara Westrick at swestrick@aarp.org or by calling 410-310-0374.