

HOUSE BILL 442

J3, J2

6lr1742
CF SB 293

By: **Delegates Kaufman, Embry, Patterson, Ruff, Wims, and Woorman**

Introduced and read first time: January 22, 2026

Assigned to: Health

A BILL ENTITLED

1 AN ACT concerning

2 **Professional Liability Insurance Coverage – Nursing Homes, Assisted Living**
3 **Facilities, and Nurse Midwives – Disclosure**

4 FOR the purpose of requiring nursing homes, assisted living programs, and nurse midwives
5 to notify certain individuals at certain times if the nursing home, assisted living
6 program, or nurse midwife either does not maintain professional liability insurance
7 or professional liability insurance coverage has lapsed and has not been renewed;
8 and generally relating to professional liability insurance disclosures.

9 BY repealing and reenacting, without amendments,
10 Article – Health – General
11 Section 19–1401(a) and (e) and 19–1801
12 Annotated Code of Maryland
13 (2023 Replacement Volume and 2025 Supplement)

14 BY adding to
15 Article – Health – General
16 Section 19–1417 and 19–1808.1
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Health – General
21 Section 19–1417
22 Annotated Code of Maryland
23 (2023 Replacement Volume and 2025 Supplement)

24 BY adding to
25 Article – Health Occupations
26 Section 8–604
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2021 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Health – General

19–1401.

(a) In this subtitle the following words have the meanings indicated.

(e) (1) “Nursing home” means a facility that offers nonacute inpatient care to patients suffering from a disease, chronic illness, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent, restorative, or rehabilitative services.

(2) “Nursing home” does not mean a facility offering domiciliary care or personal care as those terms are defined in § 19–301 of this title.

19–1417.

(A) EACH NURSING HOME IN THE STATE SHALL NOTIFY EACH RESIDENT AND PROSPECTIVE RESIDENT IN WRITING OR BY WRITTEN ELECTRONIC COMMUNICATION IF:

(1) THE NURSING HOME DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE; OR

(2) THE NURSING HOME’S PROFESSIONAL LIABILITY INSURANCE COVERAGE HAS LAPSED FOR ANY PERIOD OF TIME AND HAS NOT BEEN RENEWED.

(B) THE NOTIFICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) (i) PROVIDED TO A PROSPECTIVE RESIDENT:

1. AT THE FIRST VISIT BY THE PROSPECTIVE RESIDENT DURING ANY PERIOD DURING WHICH THE NURSING HOME DOES NOT MAINTAIN PROFESSIONAL LIABILITY COVERAGE; AND

2. IF THE NURSING HOME DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE AT THE TIME THE PROSPECTIVE RESIDENT APPLIES FOR ADMISSION, AT THE TIME OF APPLICATION; AND

(II) IF THE PROFESSIONAL LIABILITY INSURANCE LAPSES,
PROVIDED TO EACH RESIDENT WITHIN 30 DAYS AFTER THE DATE THE COVERAGE
LAPSED;

(2) SIGNED BY:

(I) THE PROSPECTIVE RESIDENT AT THE TIME OF
APPLICATION FOR ADMISSION; OR

(II) THE RESIDENT AT THE TIME THE NOTIFICATION OF THE
LAPSE IN COVERAGE IS PROVIDED UNDER ITEM (1)(II) OF THIS SUBSECTION; AND

(3) RETAINED BY THE NURSING HOME AS PART OF THE NURSING
HOME'S RECORDS.

(C) EACH NURSING HOME OPERATING IN THE STATE THAT DOES NOT
MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE SHALL POST IN A
CONSPICUOUS PLACE VISIBLE TO RESIDENTS AND GUESTS THAT THE NURSING
HOME DOES NOT MAINTAIN PROFESSIONAL LIABILITY COVERAGE.

[19-1417.] 19-1418.

This subtitle may be cited as the "Maryland Nursing Home Quality Assurance Act".

19-1801.

In this subtitle:

(1) "Assisted living program" means a residential or facility-based
program that provides housing and supportive services, supervision, personalized
assistance, health-related services, or a combination thereof that meets the needs of
individuals who are unable to perform or who need assistance in performing the activities
of daily living or instrumental activities of daily living in a way that promotes optimum
dignity and independence for the individuals.

(2) "Assisted living program" does not include:

- (i) A nursing home, as defined under § 19-1401 of this title;
- (ii) A State facility, as defined under § 10-101 of this article;
- (iii) A program licensed by the Department under Title 7 or Title 10
of this article;

(iv) A hospice care program regulated by the Department under Subtitle 9 of this title;

(v) Services provided by family members;

(vi) Services provided in an individual's own home; or

(vii) A program certified by the Department of Human Services under Title 6, Subtitle 5, Part II of the Human Services Article as a certified Adult Residential Environment Program.

19-1808.1.

(A) EACH ASSISTED LIVING PROGRAM IN THE STATE SHALL NOTIFY A RESIDENT OR PROSPECTIVE RESIDENT IN WRITING OR BY WRITTEN ELECTRONIC COMMUNICATION IF:

(1) THE ASSISTED LIVING PROGRAM DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE; OR

(2) THE ASSISTED LIVING PROGRAM'S PROFESSIONAL LIABILITY INSURANCE COVERAGE HAS LAPSED FOR ANY PERIOD OF TIME AND HAS NOT BEEN RENEWED.

(B) THE NOTIFICATION UNDER SUBSECTION (A) OF THIS SECTION SHALL BE:

(1) (I) PROVIDED TO A PROSPECTIVE RESIDENT:

1. AT THE FIRST VISIT BY THE PROSPECTIVE RESIDENT DURING ANY PERIOD IN WHICH AN ASSISTED LIVING PROGRAM DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE; AND

2. IF THE ASSISTED LIVING PROGRAM DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE AT THE TIME THE PROSPECTIVE RESIDENT APPLIES FOR ADMISSION, AT THE TIME OF APPLICATION; AND

(II) IF THE PROFESSIONAL LIABILITY COVERAGE LAPSES, PROVIDED TO EACH RESIDENT WITHIN 30 DAYS AFTER THE DATE THE COVERAGE LAPSED;

(2) SIGNED BY:

1 **(I) THE PROSPECTIVE RESIDENT AT THE TIME OF**
2 **APPLICATION FOR ADMISSION; OR**

3 **(II) THE RESIDENT AT THE TIME THE NOTIFICATION OF THE**
4 **LAPSE IN COVERAGE IS PROVIDED UNDER ITEM (1)(II) OF THIS SUBSECTION; AND**

5 **(3) RETAINED BY THE ASSISTED LIVING PROGRAM AS PART OF THE**
6 **ASSISTED LIVING PROGRAM'S RECORDS.**

7 **(C) EACH FACILITY-BASED ASSISTED LIVING PROGRAM IN THE STATE THAT**
8 **DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE SHALL POST**
9 **A NOTIFICATION IN A CONSPICUOUS PLACE VISIBLE TO RESIDENTS AND GUESTS**
10 **THAT THE ASSISTED LIVING PROGRAM DOES NOT MAINTAIN PROFESSIONAL**
11 **LIABILITY INSURANCE.**

12 **Article – Health Occupations**

13 **8–604.**

14 **(A) EACH NURSE MIDWIFE PRACTICING AS A NURSE MIDWIFE IN THE STATE**
15 **SHALL NOTIFY A PATIENT IN WRITING OR BY WRITTEN ELECTRONIC**
16 **COMMUNICATION IF:**

17 **(1) THE NURSE MIDWIFE DOES NOT MAINTAIN PROFESSIONAL**
18 **LIABILITY INSURANCE COVERAGE; OR**

19 **(2) THE NURSE MIDWIFE'S PROFESSIONAL LIABILITY INSURANCE**
20 **COVERAGE HAS LAPSED FOR ANY PERIOD OF TIME AND HAS NOT BEEN RENEWED.**

21 **(B) THE WRITTEN NOTIFICATION PROVIDED TO THE PATIENT UNDER**
22 **SUBSECTION (A) OF THIS SECTION SHALL BE:**

23 **(1) PROVIDED:**

24 **(I) AT THE FIRST VISIT BY THE PATIENT DURING THE PERIOD**
25 **IN WHICH THE NURSE MIDWIFE DOES NOT MAINTAIN PROFESSIONAL LIABILITY**
26 **INSURANCE, UNLESS THE VISIT IS FOR THE PURPOSE OF RECEIVING INCIDENTAL**
27 **MEDICAL CARE THAT WILL BE RENDERED FREE OF CHARGE; AND**

28 **(II) AS PART OF EACH INFORMED CONSENT OBTAINED BEFORE**
29 **ANY PROCEDURE DISCUSSED OR OFFERED FOR THE PATIENT'S CONSIDERATION IS**
30 **PERFORMED;**

1 **(2) SIGNED BY THE PATIENT AT THE TIME OF THE PATIENT’S VISIT OR**
2 **AT THE TIME THE INFORMED CONSENT IS SIGNED; AND**

3 **(3) RETAINED BY THE NURSE MIDWIFE AS PART OF THE NURSE**
4 **MIDWIFE’S PATIENT RECORDS.**

5 **(C) EACH NURSE MIDWIFE PRACTICING AS A NURSE MIDWIFE IN THE STATE**
6 **WHO DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE SHALL**
7 **POST THIS INFORMATION IN A CONSPICUOUS LOCATION IN THE NURSE MIDWIFE’S**
8 **PLACE OF PRACTICE.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2026.