

## Chapter 33

**(House Bill 442)**

AN ACT concerning

**Professional Liability Insurance Coverage – Nursing Homes, Assisted Living  
Facilities, ~~and~~ Nurse Midwives, and Licensed Certified Midwives – Disclosure  
(Nyeli Rose Lewis Act of 2026)**

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

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

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

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

BY adding to  
 Article – Health Occupations  
 Section 8–604 and 8–6D–15  
 Annotated Code of Maryland  
 (2021 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,  
Article – Health Occupations  
Section 8–6D–15  
Annotated Code of Maryland  
(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:**

(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 ASSISTED LIVING PROGRAM AS PART OF THE ASSISTED LIVING PROGRAM'S RECORDS.

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

#### Article – Health Occupations

8-604.

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

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

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

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

(1) PROVIDED:

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

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

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

(3) RETAINED BY THE NURSE MIDWIFE AS PART OF THE NURSE MIDWIFE'S PATIENT RECORDS.

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

8-6D-15.

(A) EACH LICENSED CERTIFIED MIDWIFE PRACTICING AS A LICENSED CERTIFIED MIDWIFE IN THE STATE SHALL NOTIFY A PATIENT IN WRITING OR BY WRITTEN ELECTRONIC COMMUNICATION IF:

(1) THE LICENSED CERTIFIED MIDWIFE DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE; OR

(2) THE LICENSED CERTIFIED MIDWIFE'S PROFESSIONAL LIABILITY INSURANCE COVERAGE HAS LAPSED FOR ANY PERIOD OF TIME AND HAS NOT BEEN RENEWED.

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

(1) PROVIDED:

(i) AT THE FIRST VISIT BY THE PATIENT DURING THE PERIOD IN WHICH THE LICENSED CERTIFIED MIDWIFE DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE, UNLESS THE VISIT IS FOR THE PURPOSE OF RECEIVING INCIDENTAL MEDICAL CARE THAT WILL BE RENDERED FREE OF CHARGE; AND

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

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

(3) RETAINED BY THE LICENSED CERTIFIED MIDWIFE AS PART OF THE LICENSED CERTIFIED MIDWIFE'S PATIENT RECORDS.

**(C) EACH LICENSED CERTIFIED MIDWIFE PRACTICING AS A LICENSED CERTIFIED MIDWIFE IN THE STATE WHO DOES NOT MAINTAIN PROFESSIONAL LIABILITY INSURANCE COVERAGE SHALL POST THIS INFORMATION IN A CONSPICUOUS LOCATION IN THE LICENSED CERTIFIED MIDWIFE'S PLACE OF PRACTICE.**

**[8-6D-15.] 8-6D-16.**

This subtitle may be cited as the Maryland Licensure of Certified Midwives Act.

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

**Approved by the Governor, April 14, 2026.**