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In Senior Care and Services*

TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Ronald N. Young

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer
Richard A. Tabuteau

DATE: February 13, 2020

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 547 – *Health Care Facilities – Hospitals and Related Institutions – Discrimination Protections*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities and other home and community-based services, we submit this letter noting our concerns below on Senate Bill 547.

Senate Bill 547 alters the discrimination laws as it applies to hospitals and related institutions (nursing facilities, assisted living and others) by expanding the list of protected clauses. Senate Bill 547 also specifies that a hospital or related institution may not discriminate in admitting or providing care for an individual because of the treatment or procedure sought by the individual, if the treatment or procedure is (1) capable of being executed by the hospital or related institution, and accompanied by a referral subject to specified limitations contained in the Health Occupations Article or (2) otherwise determined to be medically necessary (page 2; lines 5-11). LifeSpan opposes this provision. First, it does not appear that related institutions are subject to the referral language. Second, while care may be deemed medically necessary, not every nursing facility is appropriate to provide care to every individual. Therefore, we request that this provision be eliminated from the bill.

With regard to the expansion of the protected classes, it is important to note that Senate Bill 738: *Health Care Providers and Health Benefit Plans – Discrimination in Provision of Services* also expands the list of protected classes and applies to, among others, hospitals and related institutions. The Senate Finance Committee is scheduled to hear this bill on February 26th. Unlike Senate Bill 547, this bill contains an important qualifier that specifies that care may be refused, withheld or denied if it is based on the inability to comply with the usual and regular requirements, standards and regulations governing the health occupation. We believe that this is an important provision and should be added to the section on related institutions. Moreover, we respectfully request that these bills be discussed together to ensure consistency.

For more information call:

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