



The Arc Maryland
8601 Robert Fulton Drive, Suite 140
Columbia, MD 21046
www.thearcmd.org

Senate Finance Committee
SB 547: Health Care Facilities - Hospitals and Related Institutions - Discrimination Protections

Support with Amendment

The Arc Maryland is a state-wide non-profit advocacy organization dedicated to the rights and quality of life of people with intellectual and developmental disabilities (I/DD) and their families. We are providing this letter of information to communicate our views on this bill, and possible unintended consequences for the Community DDA providers that support people with developmental disabilities.

This bill would extend protections against discrimination to hospitals and “related institutions” at the point of admission consideration. “Disability” is one of many protected classes named.

While much of The Arc Maryland’s work is focused on protecting and furthering the rights and freedoms of people with I/DD, including freedom from discrimination, the bill’s extension to admissions for “related institutions” is problematic for the DDA home and community-based service system.

Residential Group Homes, for people with intellectual and developmental disabilities are considered “related institutions.” These group homes are small facilities, with typical licensed capacities of 1 to 4 people. The people who live and receive healthcare supports in these homes are grouped based on a highly person-centered approach as required by state and federal mandates. People with I/DD choose their housemates and staffing support is then designed around the needs of the small grouping. Group Homes are community-based, in typical neighborhoods throughout Maryland and most are perceived only as single-family homes.

DDA providers of community services provide residential support to people through non-nursing caregivers known as Direct Support Professionals. The staffing pool is much smaller than that of a hospital, with staff on duty who have little more than medication technician certifications; they have Maryland Board of Nursing permission to administer medications for conditions that are “routine and predictable.”

Currently, when a DDA Provider agency determines through the admissions process that they do not have a vacancy that is appropriate for the small individual groupings, or if they determine they do not possess, nor can they acquire, the medical expertise needed on staff to safely support a person, they will deny the admission of the person. This process provides for individuals with I/DD to remain safe as they seek services from one of the other many DDA providers and preserves the rights of other individuals living in the DDA group homes.

The Arc Maryland supports a bill amendment offered by The Maryland Association of Community Services and also supported by The Developmental Disabilities Council.

The amendment would clarify that nothing in the bill’s language would be intended to prevent providers of services to developmentally disabled individuals under Title 7 of the Health General Article from making a determination of whether to admit someone based on the ability of the provider to meet the needs of the individual, or the rights and preferences of individuals affected by the admission.

Respectfully submitted, Ande Kolp, Executive Director