

House Health and Government Operations Committee

HB 255: Health Care Facilities - Hospitals and Related Institutions - Discrimination Protections

Letter of Information

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.

DDA-licensed group homes who accept state and federal funds must already refrain from discriminatory practices; the nature of their work is to support people with disabilities, after all. Including them in this bill as “related institutions” may place these organizations in the burdensome position of having to defend denials of admissions of individuals for legitimate reasons.

Respectfully submitted,
Ande Kolp, Executive Director