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In Senior Care and Services*

TO: The Honorable Shane E. Pendergrass, Chair  
Members, House Health and Government Operations Committee  
The Honorable Karen Lewis Young

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

DATE: February 5, 2020

RE: Support (with sponsor amendments) – House Bill 255 – *Health Care Facilities – Hospitals and Related Institutions – Discrimination Protections*

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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 of support with the noted sponsor amendments.

House Bill 255 alters the discrimination laws as it applies to hospitals and related institutions (nursing facilities and others) by expanding in statute the list of protected clauses. COMAR 10.07.02C. currently prohibits a nursing facility from discriminating against an individual in either providing care or admitting the individual based on the individual's race; color; national origin; sexual orientation; gender identity; religion; physical disability; or mental disability. Therefore, this provision aligns the statute with current regulations, except that the current regulation does not include "genetic information" which would be difficult to determine.

House Bill 255 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). 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 appreciate and support the amendment being put forth by the sponsor to remove this provision.

**For more information call:**

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