



**Testimony Before the
House Judiciary Committee**

February 12, 2020

House Bill 477: Estates and Trusts – Guardianship of the Property of Disabled Persons –
Court-Appointed Attorneys
Written Testimony Only

POSITION: SUPPORT WITH AMENDMENT

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support for House Bill 477. HFAM represents over 170 skilled nursing centers and assisted living communities located in nearly every community in Maryland. HFAM members are the quality care safety net for Marylanders in need of post-acute care. Our members provide 6.2 million days of care across all payer sources annually, which accounts for 75 percent of Medicaid days, nearly 70 percent of Medicare days, and 45 percent of private pay post-acute and long-term care days provided in Maryland skilled nursing and rehabilitation centers.

Financial Indigency, specifically regarding assisting Marylanders in need to become qualified for Medicaid services for which they are eligible, is often an extremely complicated process. This is often made more complicated through the necessary and important process of court-appointed attorneys and guardianship. The issue of guardianship is unfortunately a major issue for older Marylanders who have limited financial means and sometimes lack decision making capacity, and who seek eligibility for care underwritten by Medicaid. Just as important are situations where an individual lacks a health care agent or surrogate and is in need of a guardian of the person.

HFAM supports this legislation with these specific amendments:

- Amending this bill and the resulting Act to include a definition of Indigency, to conform with existing language under the Medical Assistance Program term used for nursing facilities under Health-General Article, Section 15-116 whether or not the Petitioner would otherwise be eligible for Medical Assistance.
- Amending this bill and the resulting Act to permit existing Petitioners counsel to be eligible for the appointment by amending the legislation to state: “IN AN ACTION IN WHICH AN ATTORNEY HAS PREVIOUSLY BEEN APPOINTED, STRIKE THE APPEARANCE OF THE ATTORNEY PREVIOUSLY APPOINTED AND APPOINT THE ATTORNEY WHO IS CURRENTLY UNDER CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES, IN ACCORDANCE WITH THE TERMS OF THE CONTRACT UNLESS THE PREVIOUSLY APPOINTED ATTORNEY IS WILLING TO ACCEPT THE SAME FEE AND THE APPLICABLE COURT DOES NOT FIND A CONFLICT OF INTEREST.”

For these reasons and with these edits, we request a favorable report with amendment on House Bill 477.

Submitted by:

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