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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 Gabriel Acevero

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer
Steve Wise

DATE: March 9, 2021

RE: **LETTER OF INFORMATION** – House Bill 1118 – *Health Care Facilities – Discrimination*

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 information for House Bill 1118. Simply stated, House Bill 1118 affects related institutions and states that a facility or the staff of a facility may not discriminate against an individual or a resident based on the actual or perceived sexual orientation, gender identity, gender expression, or human immunodeficiency virus (HIV) status of the individual or resident.

A similar bill passed during the 2020 Session and just went into effect October 1, 2020. LifeSpan Network supported this bill. *House Bill 1120: Health Care Providers and Health Benefit Plans – Discrimination in Provision of Services* applies to all health care facilities, including related institutions, and states that a person that is licensed or otherwise regulated by the Maryland Department of Health (MDH) or a unit in the MDH may not discriminate against any person because of the person's race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability.

House Bill 1120 contains specific provisions regarding the handling of complaints between MDH and the Maryland Commission on Civil Rights (MCCR). When the Secretary or a unit of MDH has exclusive jurisdiction, MCCR may (1) refer complaints about discriminatory practices to the Secretary or a unit of MDH; (2) appear before the Secretary or a unit of MDH as a party at a hearing about discriminatory practices; (3) make recommendations about discriminatory practices to the Secretary or a unit of MDH; (4) represent a complainant in a proceeding related to discriminatory practices; or (5) appeal as a party aggrieved by an order or decision of the Secretary or a unit of MDH.

The Secretary or a unit of MDH must notify MCCR of any hearing scheduled on a complaint about alleged discriminatory practices. On request of MCCR and unless the complainant objects, the Secretary must give MCCR all information regarding any complaint alleging discriminatory practices received by the Secretary or a unit of MDH. The Secretary or a unit of MDH must set guidelines for determining when allegations of discriminatory practices in a complaint warrant a hearing.

Again, LifeSpan Network would request that House Bill 1118 not move forward in light of the fact that House Bill 1120 from the 2020 Session just went into effect October 1, 2020 and addresses the issue of discrimination. Thank you.

For more information call:

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