



Maryland Continuing Care Residents Association **Protecting**
the Future of Continuing Care Residents **The Voice of**
Continuing Care Residents at Annapolis

SUBJECT: Senate Bill 311 - Catastrophic Health Emergencies - Health Care Providers - Definition and Immunity (Maryland Health Care Heroes Protection Act)
COMMITTEES: Senate Judicial Proceedings Committee
The Honorable Will Smith, Chair
DATE: Tuesday, February 2, 2021
POSITION: **UNFAVORABLE**

The **Maryland Continuing Care Residents Association (MaCCRA)** is a not-for-profit organization representing the residents in continuing care retirement communities (CCRCs). Maryland has over 18,000 older adults living in CCRCs. The principal purpose of MaCCRA is to protect and enhance the rights and financial security of current and future residents while maintaining the viability of the providers whose interests are frequently the same as their residents. MaCCRA SUPPORTS efforts to:

- Enhance: Transparency, Accountability, Financial Security; and
- Preserve existing protections in law and regulation for current and future CCRC residents statewide.

On behalf of the Maryland Continuing Care Residents Association, we offer the following comments and concerns in opposition to Senate Bill 311. As drafted, Senate Bill 311 *"alters the definition of "health care provider" for purposes of certain provisions of law governing catastrophic health emergencies to include an employee, an agent, or a contractor of a health care facility who provides or assists in the provision of health care services; specifies the acts and omissions for which and altering the circumstances under which a health care provider has civil and criminal immunity related to a catastrophic health emergency; and applies the Act retroactively."*

MaCCRA and its members are very sympathetic to CCRC managers and front-line care and service workers as they labor during the coronavirus pandemic with its many challenges. However, residents who have been living and dying, many times alone, in nursing homes or assisted living apartments, should not be deprived of their legal rights or protections even in these most extraordinary times.

Many CCRC operators and managers have developed strong relationships with their residents both in independent living and in the care centers of the communities. They communicate factual information about what is happening, collaborate with the resident leadership, and have developed trust with the people they serve, including family members. That type of management limits their risk for lawsuits.

We are grateful for the actions that providers have taken to keep us safe and in a bubble. As the months have gone on, we have discovered no matter what restrictions are in place, asymptomatic staff and residents can expose us to the virus with the resulting consequences. Negligence is not an issue here if all the guidance from CDC and MDH is followed. We oppose legislation that limits liability for settings caring for older adults.

For these reasons we ask for an unfavorable report on Senate Bill 311.

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