



**TESTIMONY BEFORE THE  
HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE**

February 18, 2021

House Bill 903: Task Force to Study the Maryland Public Guardianship Program

*Written Testimony Only*

**POSITION: FAVORABLE WITH AMENDMENT**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support with amendment for House Bill 903. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction in the state.

HFAM members provide the majority of post-acute and long-term care to Marylanders in need: 6 million days of care across all payer sources annually, including more than 4 million Medicaid days of care and one million Medicare days of care. Thousands of Marylanders across the state depend on the high-quality services that our skilled nursing and rehabilitation centers offer every day.

House Bill 903 would create a Task Force to Study the Maryland Public Guardianship Program. This task force would assess and analyze the program, compare practices of local Area Agencies on Aging relating to the program, analyze and compare the laws and practices of other states relating to public guardianship programs, examine other research, analysis, or guidance related to the best practices of public guardianship programs, and make necessary recommendations to improve the program.

The legislation also outlines the makeup of the Task Force. **We respectfully request that House Bill 903 be amended to specifically include the Health Facilities Association of Maryland (HFAM), the LifeSpan Network, and LeadingAge Maryland on the Task Force to Study the Maryland Public Guardianship Program.**

We believe that the expertise of leaders from these organizations will add great value and insight to the Task Force created through this legislation. The three associations have separate and diverse memberships that should be represented when discussing issues relating to the Maryland Public Guardianship Program.

The Maryland Public Guardianship Program serves individuals 65 years of age and older who have been deemed by a court of law to lack the capacity to make or communicate responsible decisions concerning their health and daily living needs. As a last resort, the law authorizes the Secretary of the State Department of Aging or the Director of a local Area Agency on Aging to be appointed as a "guardian of person" when there is no other option for guardianship. The program provides protection and advocacy through case management provided by guardianship specialists.

This program is critical to patients and residents in a variety of long-term care and senior care settings across Maryland as the majority are older individuals with chronic health conditions and may have some form of dementia or generally lack the capacity to make decisions. While many older adults in our settings do have a loved one that can become a surrogate decision-maker, there are a growing number of individuals who do not have such advocates and therefore rely on the public guardianship program.

We support the creation of this Task Force and agree that the Maryland Public Guardianship Program should be analyzed and updated as deemed necessary to reflect current best practices for the benefits of individuals served by the program.

**For these reasons, and with the proposed amendment to add HFAM, the LifeSpan Network, and Leading Age Maryland to the Task Force, we support House Bill 903 and request a favorable report from the Committee.**

*Submitted by:*

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