



200 St. Paul Place, #2510 | Baltimore, MD 21202
1-866-542-8163 | Fax: 410-895-0269 | TTY: 1-877-434-7598
aarp.org/md | mdaarp@aarp.org | twitter: @aarpmaryland
facebook.com/aarpmid

SB 210 COVID-19 Claim – Civil Immunity
Oppose
Senate Judicial Proceedings
January 26, 2021

Good afternoon Chairman Smith and members of the Senate Judicial Proceedings Committee. My name is Tammy Bresnahan. I am the Director of Advocacy for AARP MD. AARP Maryland, on behalf of our over 850,000 members and all older Marylanders, are sharing our strong opposition to **SB 210 COVID-19 Claim – Civil Immunity** to grant immunity related to COVID-19 for health care facilities including nursing homes. AARP has long fought for the rights of residents in nursing homes and other residential care facilities and to ensure their health, safety, quality of care, and quality of life. This includes the right of residents and their families to seek legal redress through the courts to hold facilities accountable when residents are harmed, neglected, or abused.

Nursing homes play an important role in America's long-term care services and supports system. There are about 300 nursing homes in Maryland. During this time of a pandemic, nursing homes and health care facilities face unprecedented challenges, and tragically, in Maryland over 3100 residents and staff have lost their lives in long term care. While there may be some circumstances beyond facilities' control for which they should not be held responsible, it is essential that long-term care providers, as well as health care providers more broadly, remain responsible for any negligent actions to ensure long-term care residents have some protection and opportunity for redress.

Given that most inspections of nursing homes were suspended, family in-person visits were and are effectively prohibited except in limited circumstances, and in-person long-term care Ombudsman visits were restricted, there have been fewer eyes observing what is happening in facilities. Residents of nursing homes may be unable to advocate for themselves and now have limited access to people who can advocate on their behalf. This lack of oversight is alarming, and requires us to ensure that, when all else fails, residents and their families will still have access to the courts to seek redress.

Pursuing neglect or abuse in long term care in court is not easy to do. No family member who has lost a loved one due to neglect or abuse pursues this course of action lightly. It is always an option of last resort, but it must remain an option.

Real Possibilities

Maryland should not strip away the rights and protections of residents. Nursing homes and other health care facilities should know they will continue to be held responsible for providing the level of quality care that is required of them, and for which they are being compensated. This also incentivizes facilities to self-correct by addressing problems to improve care.

AARP MD appreciates your consideration of these views and respectfully urges you to reject **SB 210 COVID-19 Claim – Civil Immunity**. Families all across Maryland are looking to you to protect the health and safety of their loved ones living in nursing homes and other residential care facilities. If you have questions, please feel free to contact Tammy Bresnahan tbresnahan@arp.org or by calling 410-302-8451.