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**SB 311 Catastrophic Health Emergencies - Health Care Providers - Definition and Immunity**  
**Senate Judicial Proceedings Committee**  
**Unfavorable**  
**February 2, 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 311 Catastrophic Health Emergencies - Health Care Providers - Definition and Immunity**. AARP has long fought for the rights of residents in nursing homes and other residential care facilities 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 and assisted living play an important role in America's long-term care services and supports system. There are about 300 nursing homes and over 1400 assisted living facilities in Maryland. During this time of a pandemic, nursing homes, assisted living facilities and other 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 these facilities. Residents of nursing homes and assisted living were and 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.

AARP  
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 311 Catastrophic Health Emergencies - Health Care Providers - Definition and Immunity**. Families all across Maryland are looking to you to protect the health and safety of their loved ones living in long term care. If you have questions, please feel free to contact Tammy Bresnahan [tbresnahan@aarp.org](mailto:tbresnahan@aarp.org) or by calling 410-302-8451.