



TO: The Honorable Delores G. Kelley, Chair  
Members, Senate Finance Committee  
The Honorable Benjamin F. Kramer

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer

DATE: March 10, 2022

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 824 – *Health – Accessibility of Electronic Advance Care Planning Documents*

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The LifeSpan Network and the Maryland-National Capital Homecare Association **support with amendment** Senate Bill 824. Senate Bill 824 makes changes to the information sheet developed by the Maryland Department of Health, in consultation with the Attorney General’s Office. It also requires health care facilities to use a State-designated health information exchange to identify if the individual has any electronic advance planning documents and, if the individual does not, offer the individual the opportunity to scan the paper documents into the State-designated health information exchange.

LifeSpan and MNCHA support the intent of Senate Bill 824 as it relates to the information sheet being updated and the need to have additional touch points to receive advance care planning documents. However, we do share a concern regarding the mandate to use the State designated health information exchange to identify individuals and to scan paper documents. The bill refers to “health care facilities”, which includes related institutions and home health agencies. Related institutions are defined to include assisted living programs and nursing homes. There is another section of the bill (pages 10-13), which restates this requirement for assisted living programs and nursing homes.

Overall, assisted living programs and home health agencies are not predominately connected to CRISP, our State’s designated health information exchange. To comply, programs would need to contract with an electronic health network and then connect to CRISP. While the State should work towards this goal, to mandate this requirement now would be both costly and time-consuming for programs. On the other hand, nursing homes are connecting to CRISP and do collect this information now upon admittance. However, at this time, we cannot support an additional mandate on staff. Nursing homes are experiencing unprecedented staffing shortages. We simply cannot divert staff from patient care during this time. Rather, we request that pages 10-13 as it relates to nursing homes and assisted living programs be removed from the bill and a corresponding provision be placed to exempt “related institutions” and home health care from the mandate of subsection (b) of the bill. With these changes, we urge a favorable vote.

**For more information call:**

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