



**2023 SESSION  
POSITION PAPER**

**BILL:** HB 774 – Assisted Living Programs – Unlicensed Programs – Resident Abuse and Neglect  
**COMMITTEE:** House Health and Government Operations Committee  
**POSITION:** Letter of Information

**BILL ANALYSIS:** HB 774 requires the Maryland Department of Health, or a designee of the Department, to investigate whether residents in an assisted living program have been subject to neglect or physical abuse if the assisted living program is operating without a license; subjecting certain assisted living programs operating without a license to immediate prosecution under a certain provision of law under certain circumstances.

**POSITION RATIONALE:** The Maryland Association of County Health Officers (MACHO) provides a letter of information for HB 774. This bill requires, among other mandates, for the Department of Health or the Department’s designee to investigate suspected neglect or abuse of assisted living facilities residents. **Health Officers respectfully ask that the “designee” be defined as the Office of Health Care Quality (Page 2, Lines 10-12).**

The Office of Health Care Quality (OHCQ) is responsible for oversight and inspections of nursing homes and assisted living facilities. Their staff is trained to perform these functions. Health Officers are concerned that local health department staff could be designated with investigatory responsibilities given the undefined reference on Page 2, Line 10, and the subsequent reference to “Local Health Officer” on page 3.

Local health departments (LHDs) lack experience and staffing to carry out investigations of potential abuse. It is likely that these investigations will be infrequent, especially in small counties. As a result, training and ongoing competency will be extremely difficult to accomplish. Furthermore, if LHD staff are sporadically tasked to investigate conditions in assisted living facilities instead of a full-time statewide OHCQ team, it is more likely that abuses would not be recognized, jeopardizing prosecutions and leaving residents at increased risk.

Along the same lines of reasoning, **we ask that “Local Health Officer” be removed from Page 3, Line 12.**

We appreciate the Attorney General’s efforts to safeguard residents of assisted living facilities and want to assure that the most competent agency be designated to achieve this goal.

For these reasons, the Maryland Association of County Health Officers submits this letter of information for HB 774. For more information, please contact Ruth Maiorana, MACHO Executive Director at [rmaiora1@jhu.edu](mailto:rmaiora1@jhu.edu) or 410-937-1433.