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## HB 774

### Assisted Living Programs - Unlicensed Programs – Resident Abuse & Neglect Hearing of the House Health & Government Operations Committee

March 9, 2023

1:00 PM

## SUPPORT

The Public Justice Center (PJC) is a not-for-profit civil rights and anti-poverty legal services organization which seeks to advance social justice, economic and racial equity, and fundamental human rights in Maryland. Our Health and Benefits Equity Project advocates to protect and expand access to healthcare and safety net services for Marylanders struggling to make ends meet. We support policies and practices that are designed to eliminate economic and racial inequities and enable every Marylander to attain their highest level of health. **PJC strongly supports HB 774**, which would require the Maryland Department of Health, or a designee of the Department, to investigate whether residents in an unlicensed assisted living program have been subject to neglect or physical abuse. HB 774 would also authorize the Maryland Office of the Attorney General to subject an unlicensed assisted living program to immediate prosecution if a credible allegation is received or after an investigation has found abuse or neglect.

The rise in illegal unlicensed living facilities operating in plain sight has been an issue across the country. In Maryland, seniors and individuals with disabilities, especially those with Medicaid and Medicare, have been targeted by unlicensed assisted living facilities for financial exploitation. In many cases however, residents have also experienced neglect, physical abuse and restraint (physical and chemical), overcrowding and deplorable living conditions in these unregulated facilities. For the safety and wellbeing of our seniors and adults with disabilities residing in nursing homes and assisted living facilities, it is imperative that the State have authority to investigate and immediately prosecute unlicensed assisted living facilities where abuse or neglect has been found or is alleged to have occurred.

HB 774 is necessary to promote the oversight, investigation and prosecution of unlicensed assisted living facilities that have violated the rights of vulnerable adults to be free from abuse and neglect in long-term care. Under current Maryland law, MDH must send written notice to the program 30 days before the State files charges to give the program an opportunity to come into compliance with licensure requirements.<sup>1</sup> This

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<sup>1</sup> Md. Code Ann., Health Gen. § 19-1804.1 (Westlaw through 2022 Regular Session the General Assembly).

requirement in cases where abuse or neglect has occurred or is actively occurring could cause the state to lose valuable time in securing the safety of vulnerable adults in unlicensed facilities and could result in additional, preventable harm. Further, this provision is unworkable where there is evidence of abuse or neglect of residents because demonstrating the ability to care for residents of an assisted living program is integral to the application for licensure.<sup>2</sup>

HB 774, if passed, would open a path for Maryland to protect seniors and individuals with disabilities from bad actors in the long-term care industry without delay. For these reasons, the Public Justice Center urges the committee to issue a **FAVORABLE** report for **HB 774**. If you have any questions about this testimony, please contact Ashley Black at 410-625-9409 ext. 224 or [blacka@publicjustice.org](mailto:blacka@publicjustice.org).

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<sup>2</sup> *Id.* at. § 19-1804.1 (b)(3)(v).