



2024 SESSION
POSITION PAPER

BILL NO: SB 863

COMMITTEE: Health and Government Operations Committee
and Judiciary Committee

POSITION: Support

TITLE: Office of the Attorney General - Rights of Residents of Health Care Facilities -
Injunctive Relief and Penalties

BILL ANALYSIS

SB 863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties authorizes the Attorney General to seek injunctive relief on behalf of the State on the basis of an imminent or ongoing violation of the rights of residents of certain health care facilities. The bill also authorizes the Attorney General to request that a court impose a civil penalty on an assisted living program for certain violations and requiring the resident bill of rights for assisted living program residents include certain specific rights.

POSITION AND RATIONALE

The Maryland Health Care Commission (MHCC) supports *SB 863*. This bill by expanding the authority of the Attorney General to seek injunctive relief and to impose civil penalties on health care facilities in particular assisted living facilities is a major tool in addressing the violation of residents rights in health care facilities such as nursing homes and assisted living facilities.

Individuals living in assisted living facilities deserve to live their lives with dignity and to make self-determination decisions without impediment. In the United States, concerns about poor quality care and ineffective regulation of nursing homes date back to the 1970s. Early regulation focused on the ability of nursing homes to provide care, rather than on the quality of the care provided or the experience of the individuals receiving care. In the 1980s, particularly in response to an influential Institute of Medicine (IoM) report, the US federal government moved to address these concerns by enacting more resident-focused regulations, and among these were a number of new quality-of-life rights for residents of nursing homes.¹

¹ Improving the quality of care in nursing homes. Committee on Nursing Home regulation, Institute of Medicine (U.S.). 1986. ISBN 978-0-309-03646-7.

SB 863 specifically expands the Attorney General’s authority to enforce violations of the patient’s bill of rights which passed in the 2019 legislative session by seeking injunctive relief and increased civil money penalties. Interestingly, this legislation did not extend to all health care facilities - - it did not extend to assisted living facilities. MHCC believes expanding this legislation should be extended to assisted living facilities. Residents of these facilities should be accorded the same protections as all other health care facilities are subject too.

About 35,000 Maryland residents reside in one of the over 1,600 assisted living facilities in Maryland. About 1,200 of these assisted living facilities have fewer than ten beds. The quality of care at larger assisted facilities is often uneven and it may be even more so at the small facilities. The Department of Health conducts periodic inspections and immediately responds to complaints when patient harm is alleged, yet more oversight is needed. The authority to seek injunctive relief is an appropriate action to take when egregious or continuing violations of residents rights occur.

For these reasons the Maryland Health Care Commission asks for a favorable report on *SB 863*.

Joshua M. Wiener; Marc P. Frieman; David Brown (December 2007). "[Nursing Home Care Quality: Twenty Years After the Omnibus Budget Reconciliation Act of 1987](#)" (PDF). [Kaiser Family Foundation](#). pp. 3–8. Retrieved 19 July 2010.

