



**MARYLAND  
LEGAL AID**

*Advancing*  
**Human Rights and  
Justice for All**

**Senate Bill 863**  
**Office of the Attorney General – Rights of Residents of Health Care Facilities –**  
**Injunctive Relief and Penalties**  
In the Finance Committee  
Hearing on March 1, 2024  
**Position: FAVORABLE**

*Maryland Legal Aid submits its written and oral testimony on SB 863 at the request of the Maryland State Ombudsman, Ms. Stevanne Ellis.*

Maryland Legal Aid (MLA) asks that the Committee report **favorably and pass** SB 863, which establishes a bill of rights for residents of assisted living facilities and provides enhanced enforcement powers of the Maryland Attorney General. The bill will substantially protect MLA's vulnerable and disabled clients that reside in assisted living facilities. It also permits the Office of the Attorney General to seek injunctive relief and request civil penalties for violations of basic rights committed by assisted living facilities and expands existing authority for violations of these rights for residents in skilled nursing facilities.

Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to the State's low-income and vulnerable residents. Our twelve offices serve residents in each of Maryland's 24 jurisdictions and handle a range of civil legal matters, including representation of adults residing in nursing home and assisted living facilities, in cases relating to health care access, long-term care, evictions from those facilities, and debt collection.

Maryland has few statutes that protect residents of assisted living facilities, which are home to many of Maryland's most vulnerable citizens. SB 863 creates a Residents Bill of Rights that allows the Attorney General to seek injunctive relief and pursue civil penalties for violations of those rights and would help to ensure these vulnerable persons receive the best possible care.

Injunctive relief and the prospect of civil penalties would hold facilities accountable to adequate standards of care prior to reaching the point of an involuntary discharge. Importantly, a Bill of Rights for residents of assisted living facilities has never been afforded in Maryland law, and the failure of a skilled nursing or assisted living facility to provide hygiene care, timely medications, and even basic supervision would be actionable under this law.

The bill will enact law that provides basic rights, including the right to be treated with consideration, respect, and full recognition of human dignity and individuality; the right to be free from mental, verbal, sexual, and physical abuse and/or neglect; the right to participate in decision-making around transition of care; and the right to manage personal financial affairs. Maryland would recognize residents' dignity and autonomy.

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MLA has served thousands of residents of assisted living facilities across the state and worked to remedy egregious issues, including financial abuse, theft of private money and benefits, neglect, substandard living conditions, forced medical and financial decision-making, and many other forms of abuse. In one case, Client D experienced several instances of neglect after a hospital stay, including being left on the floor for hours when she was too weak to get up.

Last year Maryland Legal Aid provided representation in the case of Mr. R., who was evicted then transported to a motel to fend for himself despite having health conditions that required significant assistance to keep him alive and safe. Patient dumping, an unethical practice reflecting unsafe medical discharges disconnected from essential services, poses a real possibility of death. Injunctive relief and civil penalties against the facility were available at that point in which he faced a real possibility of death, but this bill would ensure that injunctive relief is available for pervasive, systemic issues that residents face prior to that life or death situation.

In addition, Maryland Legal Aid has represented individuals facing involuntarily discharge from skilled nursing facilities that collect federal dollars and advertise services for Alzheimer's patients who require "memory care." Some of these facilities proactively work to discharge and displace the resident due to their own failure to provide adequate supervision to the patient. Injunctive relief and the prospect of civil penalties would hold facilities accountable to adequate standards of care prior to reaching the point of an involuntary discharge.

A Resident's Bill of Rights for assisted living facility residents will bolster the legal rights and dignity of assisted living facility residents, and reduce harm at these facilities, which occurs throughout the entire state. We are encouraged that the ability to enforce such basic rights will achieve greater stability for residents in assisted living and skilled nursing facilities.

**Maryland Legal Aid strongly urges the Committee to issue a FAVORABLE report and PASSAGE of SB 863.** If you have any questions, please contact Christina Moore, (410) 951-7727, [cmoore@mdlab.org](mailto:cmoore@mdlab.org).