

**SB0863\_MHAMD\_Fav.pdf**

Uploaded by: Ann Geddes

Position: FAV



Heaver Plaza  
1301 York Road, #505  
Lutherville, MD 21093  
phone 443.901.1550  
fax 443.901.0038  
www.mhamd.org

**Senate Bill 863 Consumer Protection – Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties**

Senate Finance Committee

March 1, 2024

**Position: SUPPORT**

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of Senate Bill 863.

SB 863 establishes a bill of rights for residents of assisted living facilities. It also extends the enforcement powers of the Attorney General to assisted living facilities and includes the power to impose fines for violations of the rights of assisted living residents.

SB 863 is needed. It has been some time since regulations regarding assisted living facilities have been updated, the rights of residents in these facilities are not clearly defined, and enforcement of resident rights is lacking. Codification of specific delineated rights in statute will make clear what is to be expected and additional authority for the Attorney General to enforce those rights will help ensure they are protected.

While there are mechanisms in place for residents of assisted living facilities to file complaints, such as contacting the Office of Health Care Quality (OHCQ), complaints don't always result in remedy. OHCQ is chronically understaffed and has difficulty being responsive. It can take months just to get a report. OHCQ has little power except to levy fines, typically for violations that are more operational in nature, and not related to resident's rights. SB 863 will rectify this by protecting, among other things, the right to be treated with consideration and respect, the right to be free from mental abuse, and the right to notice, procedural fairness, and humane treatment when being transferred or discharged from a facility.

SB 863 will go a long way to improving the lives of residents of assisted living facilities. For this reason, MHAMD urges a favorable report.

*For more information, please contact Ann Geddes at (443) 926-3396*

**SB863\_OAG\_FAV**

Uploaded by: Anthony Brown

Position: FAV

**CANDACE MCLAREN LANHAM**  
*Chief Deputy Attorney General*



**CHRISTIAN E. BARRERA**  
*Chief Operating Officer*

**CAROLYN A. QUATTROCKI**  
*Deputy Attorney General*

**ZENITA WICKHAM HURLEY**  
*Chief, Equity, Policy, and Engagement*

**LEONARD J. HOWIE III**  
*Deputy Attorney General*

**ANTHONY G. BROWN**  
*Attorney General*

**PETER V. BERNS**  
*General Counsel*

**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**

March 1, 2024

The Honorable Pamela Beidle  
Chair, Finance Committee  
3 East, Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

*Re: Senate Bill 863 – Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief*

Dear Chair Beidle:

The Office of the Attorney General (OAG) supports Senate Bill 863 – Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties and I urge the Health and Government Operations Committee to give this bill a favorable report. Senate Bill 863 (1) authorizes the OAG to seek injunctive relief and monetary penalties for certain violations of the nursing home residents' bill of rights that may not rise to the level of criminal abuse but are still a violation of an individual's fundamental human rights and (2) addresses the fundamental human rights of assisted living residents and extends enforcement authority of the OAG into assisted living facilities.

Maryland is faced with an ever-growing population of aging and vulnerable individuals. Many of these citizens must seek care and assistance services from long-term care or assisted living facilities and depend upon those facilities to help address their basic needs. Individuals enter these facilities with certain guarantees and assurances from the State that they as individuals will

be afforded certain fundamental rights, like the right to dignity, the right to be free from chemical restraints, and the right to receive adequate medical care, among others.<sup>1</sup>

For as long as these fundamental rights have been recognized, OAG (specifically the Medicaid Fraud and Vulnerable Victims Unit) has protected those rights by investigating and prosecuting the most serious cases of resident abuse, neglect, financial exploitation, and the failure to provide a baseline level of care by providers in the State. Senate Bill 863 seeks the authority to do even more to protect these fundamental rights and guarantees of some of our State’s most vulnerable citizens.

In 1995, the Maryland General Assembly empowered OAG to seek injunctive relief and monetary penalties to stop patient-dumping<sup>2</sup> under the nursing home residents’ bill of rights.<sup>3</sup> The General Assembly recognized that the ability to seek injunctive relief in patient dumping situations was critical to prevent ongoing or imminent harm to the vulnerable residents who were suddenly faced with homelessness.<sup>4</sup> The need to quickly and decisively address ongoing resident harm does not stop at patient dumping and is no less critical when addressing other violations of the nursing home residents’ bill of rights. Patients left in soiled diapers for hours or days, patients developing bedsores that expose the bone, and repeated falls resulting in injury are just a few examples of the complaints the OAG receives every year. While these cases cry out for criminal or civil legal action by the State, the existing remedies do not address the more immediate needs of the residents who are suffering in these conditions. Senate Bill 863 provides OAG with the authority to seek a more immediate solution to redress residents’ misery by requiring these actions be stopped immediately. Under the bill, follow up investigations and legal action would continue to occur as they always have, but now, the OAG will be able to seek injunctive relief to enforce the rights of residents, stop the offensive behavior, and prevent future harm.

Additionally, Senate Bill 863 also addresses the fundamental rights of assisted living residents and extends the enforcement authority of OAG to assisted living facilities. Assisted living facilities aid those who do not need the more intensive level of care provided by a skilled nursing home, but who nonetheless require help with daily activities. These residents also deserve protection of their dignity and fundamental rights. Where residents are suffering at the hands of those charged with their comfort and care, the OAG stands ready to take appropriate action.

---

<sup>1</sup> See MD Code, Health - General, § 19-343 (Nursing Homes); Md. Code Regs. 10.07.14.35 (Assisted Living Facilities).

<sup>2</sup> Patient dumping involves the involuntary discharge of nursing home residents to locations such as homeless shelters or bus stops often to make room for more profitable patients.

<sup>3</sup> See MD Code, Health-Gen. § 19-345.3.

<sup>4</sup> See Related Institutions—Discharge, Transfer and Assets of Residents: Hearing on H.B. 343 before the H. Comm. on Envtl. Matters, 1995 Leg., 409th Sess. (Md. 1995); see also Letter from Daniel R. Anderson, Director of the Medicaid Fraud Control Unit, Office of the Attorney General, to Senator Thomas L. Bromwell, Chair of the Maryland Senate Finance Committee, Regarding House Bill 343: Related Institutions—Discharge, Transfer, and Assets of Residents, at 2 (Mar. 22, 1995)

The Honorable Pamela Beidle

Re: SB 863 – OAG –Rights of Residents of Health Care Facilities–Injunctive Relief

March 1, 2024

Page 3

In closing, it should be noted that the OAG is only seeking authority to enforce specific provisions of these bills of rights. This list of enforceable provisions was carefully curated to include only those violations that are likely to result in criminal or civil enforcement actions by OAG. Indeed, OAG understands and appreciates the active role the Office of Health Care Quality (OHCQ) plays in oversight of the long-term care system. It is not OAG's intent to duplicate the efforts of OHCQ or to usurp any part of that office's role. Instead, what OAG seeks is the power to put a stop to the most egregious violations of the rights of long-term care residents.

For the foregoing reasons, the Office of the Attorney General urges a favorable report on Senate Bill 863.

Sincerely,

Anthony G. Brown

The Honorable Pamela Beidle

Re: SB 863 – OAG –Rights of Residents of Health Care Facilities–Injunctive Relief

March 1, 2024

Page 4

The Office of the Attorney General submits the following amendments to the Committee for consideration. The amendments provide additional clarity on the types of activity that are sufficient to trigger the safeguards in this bill:

By: Office of the Attorney General

Amendment to Senate Bill 863

On page 3, in line 12, strike “AN IMMINENT OR ONGOING” and substitute “A”; in line 16, after “EXCEED” insert “;”

(I) \$10,000 FOR EACH VIOLATION BY A FACILITY OF § 19-343(B)(2)(II), (IV), (V), (VIII), OR (X); AND

(II)”.

On page 4, strike beginning with “THE” in line 8 down through “(IV)” in line 10; and in lines 12, 15, 18, and 21, respectively, strike “(v)”, “(vi)”, “(vii)”, and “(viii)” and substitute “(iv)”, “(v)”, “(vi)”, and “(vii)”, respectively.

On page 5, in line 24, strike “AN IMMINENT OR ONGOING” and substitute “A”.

# **Testimony SB 863\_approved.pdf**

Uploaded by: Christina Moore

Position: FAV





**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.

---

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).

**7 - SB 863 - FIN - MDH\_LOS (1).pdf**

Uploaded by: Jason Caplan

Position: FAV



## DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

March 1, 2024

The Honorable Pamela Beidle  
Chair, Senate Finance Committee  
3 East Miller Senate House Office Building  
Annapolis, Maryland 21401

**RE: Senate Bill 863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties – Letter of Support**

Dear Chair Beidle and Committee Members:

The Maryland Department of Health (Department) respectfully submits this letter of support for Senate Bill (SB) 863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties.

The Office of Health Care Quality (OHCQ) is the agency within the Department charged with monitoring compliance with regulatory standards in certain health care facilities and community-based programs, including nursing homes and assisted living programs. In nursing homes, OHCQ conducts surveys to determine compliance with State licensure and federal certification requirements. In assisted living programs, OHCQ conducts surveys to determine compliance with State licensure requirements. In both settings, OHCQ investigates complaints and facility-related incidents.

It is essential to protect the basic rights of the residents of Maryland's nursing homes and assisted living programs. This bill provides an additional protection to these residents by authorizing the Attorney General to seek injunctive relief on behalf of the State on the basis of an imminent or ongoing violation of a basic right of residents of nursing homes or assisted living programs. Additionally, the Attorney General may request that the Court impose a civil penalty not to exceed \$10,000 for each violation by an assisted living program.

If you would like to discuss this further, please do not hesitate to contact Sarah Case-Herron, Director of Governmental Affairs at [sarah.case-herron@maryland.gov](mailto:sarah.case-herron@maryland.gov).

Sincerely,

Laura Herrera Scott, M.D., M.P.H.  
Secretary

**SB 863 - FAV - ALZ Assoc - Testimony.pdf**

Uploaded by: Megan Peters

Position: FAV

alz.org/maryland  
800.272.3900

Greater Maryland Chapter  
502 Washington Avenue, Suite 300  
Towson, MD 21204  
410.561.9099 p  
410.561.3433 f

Western Maryland  
108 Byte Drive, Suite 102  
Frederick, MD 21702  
301.696.0315 p  
410.742.0525 f

Salisbury  
909 Progress Circle, Suite 400  
Salisbury, MD 21804  
410.543.1163 p  
410.742.0525 f



**Bill:** SB 863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties

**Committee:** Senate Finance Committee

**Position:** Favorable

**Date:** March 1, 2024

On behalf of the more than 110,000 Marylanders living with Alzheimer's and the nearly 250,000 caregivers, the Alzheimer's Association supports *SB 863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties* and urges a favorable report.

SB 863 will allow the Attorney General to seek injunctive relief on the basis of an imminent or ongoing violation of the rights of residents at certain health care facilities. The bill also updates the minimum requirements for the bill of rights for residents of assisted living facilities to include key items such as "the right to be treated with consideration, respect, and full recognition of human dignity and individuality", "the right to participate in decision making regarding transitions in care [...]", and "the right to be free from physical and chemical restraints, except for restraints that a physician authorizes of a clearly indicated medical need."

The Alzheimer's Association supports efforts to protect and enhance the lives of individuals in care settings. The right to be treated with respect, dignity, and individuality creates a care setting that respects an individual's sense of autonomy, even as their cognitive capacities decline. Furthermore, many individuals with mild or moderate dementia retain the capacity to make sound decisions. For instance, an individual living with Alzheimer's or another dementia may lack capacities to drive or live independently, but can retain the ability to make sound decisions about medical care.

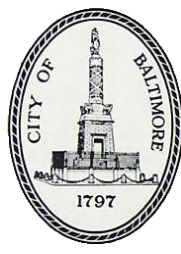
While a bill of rights establishes standards for respect and dignity, unfortunately, individuals living with Alzheimer's or another dementia are especially vulnerable to violations of these rights or abuse in care settings because the disease may prevent them from reporting or recognizing it. Allowing the Office of the Attorney General to enforce penalties provides more oversight in care settings, especially as the Office of Health Care Quality is experiencing staffing shortages and a backlog in surveying assisted living facilities. Beyond SB 863, the Association also notes that dementia-specific training and regulations in care settings is essential for providing quality care. We look forward to the upcoming release of the proposed Assisted Living Regulations.

The Alzheimer's Association is committed to supporting efforts to protect and enhance the lives of individuals in care settings and urges a favorable report on SB 863. Please contact Megan Peters, Director of Government Affairs at [mrpeters@alz.org](mailto:mrpeters@alz.org) with any questions.

**SB0863-FIN-SUPP.pdf**

Uploaded by: Nina Themelis

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**SB0863**

March 1, 2024

**TO:** Members of the Senate Finance Committee

**FROM:** Nina Themelis, Director of Mayor's Office of Government Relations

**RE:** Senate Bill 863 – Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties

**POSITION: SUPPORT**

Chair Beidle, Vice Chair Klausmeier, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** Senate Bill (SB) 863.

SB 863 establishes a bill of rights for residents of assisted living facilities in Maryland. These rights include the right to receive appropriate health care treatment, to be free from mental, physical, verbal, and sexual abuse, to participate in making decisions about being transferred to another facility or discharged, to be free from physical and chemical restraints, and to have control over one's finances. The bill also enables the Office of the Attorney General to seek injunctive relief, as well as impose a fine of up to \$10,000, if a facility is violating these rights. SB 863 addresses a significant gap in legal protections for older adults and persons with disabilities: the vulnerability of assisted living residents to physical, financial, and psychological abuse.

Baltimore City is home to more than 500 licensed assisted living facilities, and that number is growing. The Baltimore City Long Term Care Ombudsman program is mandated by federal and State law to act as an advocate for residents of these facilities. The City Ombudsman is witnessing increases in neglect, financial exploitation, and social isolation of residents in a significant number of assisted living homes. These residents, who have very limited incomes, are often afraid to protest their treatment because they fear that they are one step away from being discharged into a hospital emergency room or from becoming homeless. This is a terribly precarious position to be in – no one should have to endure abuse for fear of losing their home. SB 863 helps protect these residents' rights and wellbeing and incentivizes facilities to not tolerate abusive behavior.

For these reasons, the BCA respectfully request a **favorable** report on SB 863.



**SB0863 - FAV - DHS.pdf**

Uploaded by: Rachel Sledge Government Affairs

Position: FAV

March 1, 2024

The Honorable Pamela Beidle  
Chair, Finance Committee  
3 East Miller Senate Office Building  
Annapolis, Maryland 20401

**RE: TESTIMONY ON SB0863 - Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties - POSITION: FAVORABLE**

Dear Chair Beidle and members of the Finance Committee:

The Maryland Department of Human Services (DHS) thanks the Committee for the opportunity to provide a favorable position for Senate Bill 863 (SB0863). With offices in every one of Maryland's jurisdictions, we empower Marylanders to reach their full potential by providing preventative and supportive services, economic assistance, and meaningful connections to workforce development and career opportunities. The Social Services Administration within DHS implements the Adult Services programs which are affected by SB0863.

Senate Bill 863 directly increases protections and supports for adults who reside in and receive care in skilled nursing facilities, including assisted living facilities. The bill strengthens the existing Bill of Rights for skilled nursing facility residents by granting power to the Office of the Attorney General to impose civil penalties for violations of patient rights in matters related to care; the right to be free from abuse, neglect and exploitation; and the right to fair practices around discharge from facilities.

Senate Bill 863 supports Adult Protective Services (APS) and the public guardianship program by allowing the Medicaid Fraud and Vulnerable Victims Unit within the Office of the Attorney General to impose penalties on assisted living facilities for violations of patient rights reported by Adult Protective Services or other entities including instances of discharges that violate patient rights. Adult Protective Services investigates allegations of abuse, neglect, and exploitation in assisted living facilities and the bill provides additional protections from entities violating adult rights. Many of the adults for whom local departments of social services serve as "guardian of person" reside in assisted living facilities.



We appreciate the opportunity to provide a favorable position to the Committee for consideration during your deliberations. We look forward to the decision of the Committee and welcome continued collaboration on SB0863.

If you require additional information, please contact Rachel Sledge, Director of Government Affairs, at [rachel.sledge@maryland.gov](mailto:rachel.sledge@maryland.gov).

In service,



Rafael López  
Secretary

# **MSCAN SB863 Rights of Residents in Health Care Fac**

Uploaded by: Sarah Miicke

Position: FAV



# *Maryland Senior Citizens Action Network*

**MSCAN**

*AARP Maryland*

*Alzheimer's  
Association,  
Maryland Chapters*

*Baltimore Jewish  
Council*

*Catholic Charities*

*Central Maryland  
Ecumenical Council*

*Church of the Brethren*

*Episcopal Diocese of  
Maryland*

*Housing Opportunities  
Commission of  
Montgomery County*

*Jewish Community  
Relations Council of  
Greater Washington*

*Lutheran Office on  
Public Policy in  
Maryland*

*Maryland Association of  
Area Agencies on Aging*

*Mental Health  
Association of Maryland*

*Mid-Atlantic LifeSpan*

*National Association of  
Social Workers,  
Maryland Chapter*

*Presbytery of Baltimore*

*The Coordinating  
Center*

*MSCAN Co-Chairs:  
Carol Lienhard  
Sarah Mücke  
410-542-4850*

## **Testimony in Support of Senate Bill 863 - Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties Finance Committee**

**March 1, 2024**

The Maryland Senior Citizens Action Network (MSCAN) is a statewide coalition of advocacy groups, service providers, faith-based and mission-driven organizations that supports policies that meet the housing, health and quality of care needs of Maryland's low and moderate-income seniors.

MSCAN supports Senate Bill 863 which would give the Attorney General the authority to seek injunctive relief against certain health care facilities when there is an imminent or ongoing violation of the listed bill of rights of the residents. It also requires the Department of Health to create a resident bill of rights for those in assisted living facilities.

According to the National Council on Aging, 1 in 10 adults aged 60 and older are being abused, and this number is likely under reported. Right now, many of those violations in residential facilities are punishable by a simple fine and not a change in actions. SB863 would be able to enforce change with an injunction for bad acting facilities.

Another necessary reason for SB863 is that it creates a codified resident bill of rights for assisted living residents, which must include several rights, including the right to notice of transfer or discharge or the right to participate in that decision making. SB863 codification of resident rights will make assisted living facilities more accountable and ultimately safer for their residents.

For the reasons stated above, MSCAN urges a favorable report on SB863.

Thank you for your consideration.

# **SB863 BJC Rights of Residents of Health Care Facil**

Uploaded by: Sarah Miicke

Position: FAV

**OFFICERS**

ELIZABETH GREEN  
 President  
 ROBIN WEIMAN  
 1<sup>st</sup> Vice President  
 AMALIA HONICK  
 BENJAMIN ROSENBERG  
 RABBI STEVEN SCHWARTZ  
 RABBI JONATHAN SEIDEMANN  
 MELANIE SHAPIRO  
 RABBI ANDREW BUSCH  
 Past President  
 HOWARD LIBIT  
 Executive Director

**MEMBER ORGANIZATIONS**

Adat Chaim Congregation  
 American Jewish Committee  
 Americans for Peace Now  
 Baltimore Chapter  
 American Israel Public Affairs Committee  
 American Red Magen David for Israel  
 American Zionist Movement  
 Amit Women  
 Association of Reform Zionists of America  
 Baltimore Board of Rabbis  
 Baltimore Hebrew Congregation  
 Baltimore Jewish Green and Just Alliance  
 Baltimore Men's ORT  
 Baltimore Zionist District  
 Beth Am Congregation  
 Beth El Congregation  
 Beth Israel Congregation  
 Beth Shalom Congregation of  
 Howard County  
 Beth Tfiloh Congregation  
 B'nai B'rith, Chesapeake Bay Region  
 B'nai Israel Congregation  
 B'nai Jacob Shaarei Zion Congregation  
 Bolton Street Synagogue  
 Chevra Ahavas Chesed, Inc.  
 Chevrei Tzedek Congregation  
 Chizuk Amuno Congregation  
 Congregation Beit Tikvah  
 Congregation Tiferes Yisroel  
 Federation of Jewish Women's  
 Organizations of Maryland  
 Hadassah  
 Har Sinai - Oheb Shalom Congregation  
 J Street  
 Jewish Federation of Howard County  
 Jewish Labor Committee  
 Jewish War Veterans  
 Jewish War Veterans, Ladies Auxiliary  
 Jewish Women International  
 Jews For Judaism  
 Moses Montefiore Anshe Emenah  
 Hebrew Congregation  
 National Council of Jewish Women  
 Ner Tamid Congregation  
 Rabbinical Council of America  
 Religious Zionists of America  
 Shaarei Tfiloh Congregation  
 Shomrei Emenah Congregation  
 Suburban Orthodox Congregation  
 Temple Beth Shalom  
 Temple Isaiah  
 Zionist Organization of America  
 Baltimore District

**WRITTEN TESTIMONY**

**Senate Bill 863 - Office of the Attorney General – Rights of Residents of  
 Health Care Facilities – Injunctive Relief and Penalties**  
**Finance Committee**  
**March 1, 2024**  
**SUPPORT**

**Background:** Senate Bill 863 would authorize the Attorney General to seek injunctive relief on behalf of the State against certain health care facilities based on an imminent or ongoing violation of certain rights of residents. It also requires the Department of Health to create a resident bill of rights which must include, at a minimum, several outlined rights such as the right to participate in decision making regarding transitions in care and the right to manage personal financial affairs.

**Written Comments:** Every older adult deserves to be safe, however, right now in Maryland, we know that is not the case. Several Associated agencies, including, Jewish Community Services (JCS), Comprehensive Housing Assistance Inc. (CHAI), and CHANA provide services to the rapidly aging Baltimore Community. CHANA offers a Jewish community response to the needs of people who have experienced abuse or trauma. This agency is dedicated to the elimination of domestic violence, sexual abuse, elder abuse and all forms of interpersonal violence. In 2013, CHANA initiated the state's first Elder Abuse program to prevent all forms of abuse including child to parent abuse, caregiver to senior abuse, or intimate partner situations.

SB863 is greatly needed. It would create safeguards against bad acting assisted living owners who move people around in unprotected ways, without their consent. It would also give the Attorney General the ability to quickly intervene in these instances with injunctive, not just financial, repercussions. While there are resident rights listed in the COMAR regulations for assisted living facilities, these rights do not include some of the biggest areas riddled for abuse, including the right to notice of transfer or discharge or the right to participate in that decision making. SB863's inclusion of these rights is an important step in helping deter abuse.

With this in mind, the Baltimore Jewish Council urges a favorable report of SB863.

*The Baltimore Jewish Council, a coalition of central Maryland Jewish organizations and congregations, advocates at all levels of government, on a variety of social welfare, economic and religious concerns, to protect and promote the interests of The Associated Jewish Community Federation of Baltimore, its agencies and the Greater Baltimore Jewish com*

**SB 863 - FIN - MHCC - Support.pdf**

Uploaded by: State of Maryland (MD)

Position: FAV





**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.<sup>1</sup>

---

<sup>1</sup> 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.



# **SB 863 Office of the Attorney General – Rights of**

Uploaded by: Tammy Bresnahan

Position: FAV



One Park Place | Suite 475 | Annapolis, MD 21401-3475  
1-866-542-8163 | Fax: 410-837-0269  
aarp.org/md | md@aarp.org | twitter: @aarpmd  
facebook.com/aarpmd

**SB 863 Office of the Attorney General – Rights of Residents of Health Care Facilities –  
Injunctive Relief and Penalties  
FAVORABLE  
Senate Finance Committee  
March 1, 2024**

Good afternoon, Chair Beidle and members of the Senate Finance Committee. I am Tammy Bresnahan. I am the Senior Director of Advocacy for AARP Maryland. AARP, which advocates for the more than two million Marylanders age 50 and older supports with enthusiasm SB 863 and we thank Attorney General Brown for bringing this bill forward.

SB 863 authorizes the Attorney General to seek injunctive relief on behalf of the State based on an imminent or ongoing violation of the rights of residents in assisted living facilities. SB 863 authorizes the Attorney General to request a court to impose a civil penalty on an assisted living program for certain violation. It requires that the resident bill of rights for assisted living program residents include certain rights.

In Maryland there are over 1700 Assisted Living Facilities (ALFs) compared to the state's 230 nursing homes. ALFs unlike nursing homes are not regulated by the federal government. ALFs are only regulated by the State.

In 2005, The Maryland Office of Health Care Quality (OHCQ) issued a report entitled Maryland's Assisted Living Evaluation. The report confirmed that residents in ALFs are frailer and have more memory issues than when OHCQ began regulating ALFs in 1996. They estimate in 2005 that two-thirds of residents in assisted living programs had moderate to severe dementia and less than half receive adequate treatment for their condition. Most residents have multiple medical diagnoses, some debilitating, and take, on average, 9-14 medications per day. While nursing homes are highly regulated and have a multitude of requirements, ALF staff have no such requirements or limited requirements to have medically trained staff for those residents living in Maryland assisted living.

Additionally, regulations for Maryland ALFs have not been updated since 2008. AARP Maryland and other advocates have asked that these regulations be updated. It is now 2024 those regulations have not been updated. AARP believes that changes should be addressed by the regulations, including better training to help staff deal with patients with memory issues, as well as those with mental health issues; better consumer protections around price increases and evictions; and a minimum staff-to-resident ratio is also needed.

In addition, without updated regulations enforcement lacks. SB 863 will offer residents living in ALFs and their families' rights that they have not had thus far.

For these reasons, AARP Maryland supports SB 863, and we respectfully ask the committee for a favorable report. If you have questions or follow up, please contact me at [tbresnahan@arp.org](mailto:tbresnahan@arp.org) or by calling 410-302-8451.

# **HFAM Testimony SB 863.pdf**

Uploaded by: Joseph DeMattos

Position: FWA



**TESTIMONY BEFORE THE  
SENATE FINANCE COMMITTEE**

March 1, 2024

Senate Bill 863: Office of the Attorney General - Rights of Residents of Health Care Facilities –  
Injunctive Relief and Penalties  
*Written Testimony Only*

**POSITION: FAVORABLE WITH AMENDMENTS**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to express our support with amendments for Senate Bill 863.

HFAM represents skilled nursing centers and assisted living communities in Maryland, as well as associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state. HFAM is affiliated with the American Health Care Association/National Center for Assisted Living (AHCA/NCAL), which is the largest association in the United States representing long-term and post-acute care providers.

Senate Bill 863 authorizes the Attorney General to seek injunctive relief on behalf of the State on the basis of an imminent or ongoing violation of certain rights of residents of certain health care facilities; authorizes the Attorney General to request a court to impose a civil penalty not to exceed \$10,000 on an assisted living program for certain violations; and requires that the resident bill of rights for assisted living program residents include certain rights.

We appreciate that the Office of the Attorney General reached out to HFAM in advance of this legislation on amending the Maryland Patients' Bill of Rights to include assisted living providers, providing for injunctive relief, and enumerating specific rights. HFAM and our members share Attorney General Brown's commitment to patient rights.

We support such enhanced authority of the Attorney General to address egregious violations of the basic rights of residents. We believe the legislation should be supplemental to, and not duplicative of, the already extensive authority of the Maryland Department of Health (MDH) and Office of Health Care Quality (OHCQ) which, for nursing homes, already overlaps with the authority of the federal Centers for Medicare and Medicaid Services (CMS).

**Here are our comments and recommendations, under the nursing home language:**

- Section 19-345.3(c)(2): the new language referring to the basic rights of patients should refer instead to "residents." (This aligns the language.)
- Section 19-345.3(c)(2): the new language should refer to an imminent or ongoing "egregious" violation. This change is to avoid the legislation simply adding an additional, duplicate level of OAG enforcement to that under OHCQ's authority; additional action by the OAG should be based on a finding of a heightened violation.

- An example of such duplication is in the inclusion of violations of Section § 19-343(b)(2)(ii) in the list of basic rights that can give rise to an injunction or civil money penalty under Section 19-345.3(c)(2) and (3). This is because subsection (ii) of Section 19-343(b)(2) refers broadly to “the right to receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant state and federal laws, rules, and regulations.” Residents most certainly do have that right and OHCQ has broad enforcement authority to ensure this right is honored. We are simply observing that without a reference to egregious violations, this would mean the OAG has overlapping and duplicative authority over any manner of regulatory violation.
- At a minimum, if the current reference to any violation is maintained, the reference to “(ii)” should be removed from the two cross-references to Section 19-343(b)(2).
- Under section 19-345.3(c)(3), here too there is the risk of civil money penalties that overlap with existing OHCQ authority to impose financial penalties under Health General Article, Sections 19-1402 through 19-1404.
- The Centers for Medicare and Medicaid Services (CMS) also has financial penalties for violations of federal regulations applicable to the same underlying event. To avoid the new legislation simply adding yet an additional level of financial penalty, any civil money penalty requested by the OAG or imposed by a court should take into account penalties already imposed under state or federal law.
- We wish to make clear that we are not suggesting that financial penalties not be imposed for violations of resident rights. The best defense in such matters in any enterprise is to do the right thing, ensure patient and resident rights, and not commit a purposeful and egregious error demanding injunctive relief be sought in the courts. We are mindful that financial penalties divert away from the facility funds that would otherwise be available for care. New OAG authority to seek civil money penalties should simply take into account other penalties for the same violation.

**Under the assisted living language:**

- We suggest an amendment to the new language under section 19-1805(a)(8) to remove the reference to basic rights that “include at a minimum.” This legislation would impose important new obligations protecting the rights of assisted living residents, a concept we support. We are concerned about language suggesting that the legislature is delegating to OHCQ unilateral authority to establish new rights not listed but equally open to enforcement by the OAG.
- Concerning section 19-1805.1, giving new enforcement authority to the OAG, we support the intent of the legislation. The new language should refer to imminent or ongoing “egregious” violations to avoid simply adding an additional, duplicate level of enforcement to that under OHCQ’s authority. An additional action by the OAG should be based on a finding of a heightened violation.
- Likewise, for the reasons explained above, any new civil money penalty under Section 19-1805.1(b) should take into account other penalties for the same violation.



- Our last comment is a technical edit. Sections 19-1805.1(a) and (b) cross-reference to new section 19-1805(a)(8) ((i) through (viii).) However, the new language only goes up to 19-1805(a)(vi).

We hope that these comments and recommended clarifications are helpful. HFAM is committed to securing the passage of this legislation with the above clarifications. Again, we remain committed to partnering with the Maryland General Assembly, Attorney General Anthony Brown, and other stakeholders to protect and enhance the rights of residents and patients in long-term and post-acute care centers.

**With the above considerations and amendments, we request a favorable report on Senate Bill 863.**

*Submitted by:*

Joseph DeMattos, Jr.

President and CEO

(410) 290-5132

**SB863 SLTCOP testimony 2.29.24.pdf**

Uploaded by: Stevanne Ellis

Position: FWA

**Bill: SB 863 Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties**

**Position: Support with Amendments**

**February 29, 2024**

The Maryland Long-Term Care Ombudsman program advocates for residents in nursing homes and assisted living facilities in Maryland. Ombudsmen work to resolve complaints that can have adverse effects on the quality of care, safety, health, and quality of life of the citizens that reside in these facilities. In Maryland, ombudsmen provide these services to the over 50,000 citizens that live and receive services in nursing homes and assisted living facilities.

The ombudsman program has found that many assisted living residents in Maryland are unaware of their rights. This bill addresses this issue since it includes minimum requirements for a resident bill of rights for assisted living residents. This is incredibly important because unlike nursing homes that have both federal and state law and regulations, assisted living facilities only have state law and protections. This addition to the law will provide an assurance that these rights must be upheld and protected.

The Long-Term Care Ombudsman Program has seen too many cases where residents were not treated with dignity, suffered abuse and exploitation, were trafficked for benefits, were not involved in decision making related to their care or finances, and were discharged inappropriately. When these rights are violated, it can often lead to very serious, devastating, and at times life threatening or deadly situations. There are providers that take away basic resident rights and create their own “house rules.” We see providers restricting visitors, outings, meals, and having inappropriate access to the resident’s money. We have seen vulnerable adults left alone with no choice, no voice, no staff, and no safety. This bill will allow the Attorney General’s Office to seek injunctive relief which will hold providers accountable when residents’ rights are violated and act as a deterrent for those that provide negligent care to individuals in assisted living facilities.

I am asking for amendments to this bill. The threat of abandonment and poor discharge planning causes emotional and physical distress in residents. When abandonment and poor discharge planning happen, it causes harm. Consequently, I am requesting that the terms “abandonment” and “resident dumping” be added to the Bill of Rights.

According to the current state regulations, a facility is required to give notice when closing or when changing owners. However, many assisted living providers violate that regulation by closing without the owner/manager giving proper notice to OHCQ, the residents, or families. This is a growing concern and issue that appears to be on the rise. We see owners that change hands without going through the proper procedures, and then the facility is left in limbo as an unlicensed assisted living facility. In these situations, when care is provided, it is often substandard or poor care. When assisted living facility providers ignore resident rights, it not only devalues the resident and puts their lives at risk, but it creates a ripple effect across agencies such as Adult Protective Services, Office of Health Care Quality, Emergency Medical Services, hospitals, police, and the Long-Term Care Ombudsman Program. The resident is then left in an unlicensed facility sometimes without supervision and assistance or is forced to leave without having the time and assistance for an appropriate discharge plan. No facility should relinquish the responsibility of caring for a resident.

When a resident is “abandoned”, a resident is left alone for hours at a time when supervision and assistance is needed. An assisted living facility is required to provide 24-hour supervision and assistance. This means the resident should not be alone at a facility and should receive the individualized care that is needed.

When a resident is discharged, a resident should have an appropriate discharge plan and be involved in the planning of the discharge. When a resident is “dumped,” they are sent to an inappropriate place such as a homeless shelter, hospital, hotel, to the street, an unlicensed assisted living facility, or with someone that has not been trained to provide care and or who cannot meet the person’s needs. This is unacceptable.

I want to emphasize that there are currently very few protections in the state regulations and law for both issues – abandonment and poor discharge planning.

This bill is incredibly important because it will strengthen the current assisted living law. The law exists to protect the residents and to ensure the quality of care and quality of life of residents. Residents deserve to have a life free of all types of abuse, neglect, and exploitation.

I respectfully ask the Committee to consider my comments and offer a favorable report for this bill with the amendments I proposed.

Sincerely,

Stevanne Ellis

Maryland State Long-Term Care Ombudsman

It is critical that individuals in health care settings understand their rights and have the needed protections to ensure their rights.

# **SB0863\_UNF\_LifeSpan\_OAG - Rights of Residents Heal**

Uploaded by: Danna Kauffman

Position: UNF



*Keeping You Connected...Expanding Your Potential...  
In Senior Care and Services*

TO: The Honorable Pamela Beidle, Chair  
Members, Senate Finance Committee  
The Honorable Senate President Bill Ferguson (Office of the Attorney General)

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
Christine K. Krone  
410-244-7000

DATE: March 1, 2024

RE: **OPPOSE** – Senate Bill 863 – *Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties*

---

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities (CCRCs), medical adult day care centers, senior housing communities, and other home and community-based services, we **respectfully oppose** Senate Bill 863.

For nursing homes, the bill expands the authority of the Attorney General’s Office (“Office”) to seek injunctive relief on behalf of the State (not on behalf of a resident) on the basis of an imminent or ongoing violation of a basic right of residents. The specific rights noted in the bill currently exist in statute and are: (1) the right to receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant State and federal laws, rules, and regulations; (2) the right to be free from mental and physical abuse; (3) the right to notice, procedural fairness, and humane treatment when being transferred or discharged from a facility; (4) the right to be free from physical and chemical restraints, except for restraints that a physician authorizes for a clearly indicated medical need; (5) the right to manage personal financial affairs.

For assisted living programs, the bill defines what must be included in a “resident’s bill of rights” by restating current regulations under COMAR 10.07.14.35 and then authorizes the Office to seek injunctive relief on behalf of the State (not on behalf of a resident) on the basis of an imminent or ongoing violation of these basic rights. The Office may then request the court to issue a civil money penalty not to exceed \$10,000 for each violation by an assisted living program.

<b>Resident Right</b>	<b>Citation</b>
The right to be treated with consideration, respect, and full recognition of human dignity and individuality.	10.07.14.35(a)(1)

The right to receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant federal and state laws, rules, and regulations.	10.07.14.35(a)(2)
The right to be free from mental and physical abuse.	10.07.14.35(a)(7)
The right to be free from mental, verbal, sexual, and physical abuse, neglect, or involuntary seclusion or exploitation.	10.07.14.35(a)(7)
The right to notice, procedural fairness, and humane treatment when being transferred or discharged from a facility.	10.07.14.33
The right to participate in decision making regarding transitions in care, including a transfer or discharge from a facility.	10.07.14.26
The right to be free from physical and chemical restraints, except for restraints that a physician authorizes for a clearly indicated medical need.	10.07.14.37
The right to manage personal financial affairs;	10.07.14.38, .39

It is important to note that, in order to ensure that the above rights are being respected, there are extensive regulations that must be followed by each industry, which are enforced by the Maryland Department of Health, through the Office of Health Care Quality. This occurs through the survey process, complaint investigations and the issuance of deficiencies and fines when standards are not satisfied. The process for nursing homes is more complex given that nursing homes must also comply with federal regulations, which mirrors State requirements. When a nursing home fails to meet one or more of the requirements, surveyors cite a deficiency based on four categories – 1) immediate jeopardy; (2) actual harm that is not immediate jeopardy; (3) no actual harm with a potential for more than minimal harm, but not immediate jeopardy; and (4) no actual harm with a potential for minimal harm. Surveyors also decide the scope and severity of the deficiency based on a matrix – isolated, pattern, and widespread. Each deficiency requires a plan of action. Immediate jeopardy requires the nursing home to take immediate corrective action. While assisted living programs are not subject to federal regulations, State regulations impose similar requirements. In addition, regardless of whether it is a nursing home or an assisted living program, the Secretary has the authority to impose sanctions and/or other actions, such as restricting admissions, requiring the hiring of a management firm or consultant, and requiring a staffing plan or additional staff training. The Secretary always has the authority to revoke a license.

Our opposition to Senate Bill 863 is that it is not only duplicative of the authority of the Secretary of Health, but it outlines no standards or procedure for how the Office would determine “an imminent or ongoing violation.” Unlike the current authority to seek injunctive relief on the basis of an involuntary discharge or transfer, which is a defined act, the authority sought in this bill is elusive and each “right” related is addressed by multiple regulations to determine if it has been satisfied or violated. In addition, if the Attorney General were to impose a fine, is this fine in addition to a fine imposed by the Department? If so, would the fines be deposited to the General Fund or to the appropriate civil money penalty fund to be used for quality initiatives in each respective industry? Lastly, we are concerned that imposing yet another punitive (and elusive) measure may have the effect of deterring good providers from coming into the market. Rather than always focusing on punitive measures, Maryland must develop initiatives to bolster affordable senior housing options. For these reasons, we request an unfavorable vote.



# **LeadingAge Maryland - 2024 - SB 863 - AG injunctiv**

Uploaded by: Aaron Greenfield

Position: INFO



576 Johnsville Road  
Sykesville, MD 21784

**TO:** Finance Committee  
**FROM:** LeadingAge Maryland  
**SUBJECT:** Senate Bill 863, Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties  
**DATE:** March 1, 2024  
**POSITION:** Letter of Information

LeadingAge Maryland provides this letter of information on Senate Bill 863, Office of the Attorney General - Rights of Residents of Health Care Facilities - Injunctive Relief and Penalties.

LeadingAge Maryland is a community of more than 140 not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. Members of LeadingAge Maryland provide health care, housing, and services to more than 20,000 older persons each year. Our mission is to be the trusted voice for aging in Maryland, and our vision is that Maryland is a state where older adults have access to the services they need, when they need them, in the place they call home.

Senate Bill 863 authorizes the Attorney General to seek injunctive relief on behalf of the State on the basis of an imminent or ongoing violation of the patients' bill of rights of residents of assisted living facilities. The Attorney General may request a court to impose a civil penalty not to exceed \$10,000 on an assisted living program for these violations.

LeadingAge Maryland supports the intent of this legislation. We want to ensure quality care and that older adults are free of abuse or neglect of any kind. However, this legislation raises practical and operational concerns for providers. LeadingAge Maryland would like clarification on the following:

- Existing Regulatory Environment: How will this new authority provided to the Attorney General intersect or coincide with the existing regulatory environment?
- Self Reporting: What happens when a provider self-reports and has taken all of the required steps to address an issue? Will the provider be penalized by the AG in these instances?
- Fines: Where will collected fines be allocated? Do these fines go to the resident? The Attorney General's office? For what purpose? LeadingAge Maryland suggests that the fines and penalties are restricted to payments that would be made to the resident, not to the Office of the Attorney General. The bill should also include a provision for payment by the Office of the Attorney General to the provider to cover legal fees/court costs if the case is found to be frivolous or a provider ultimately prevails.

LeadingAge Maryland is concerned with how this function by the Attorney General could create a lack of clarity around which state agency has jurisdiction over which issues.

LeadingAge Maryland seeks more clarity on these issues and for these reasons submits this letter of information on Senate Bill 863.

**For more information, please contact Aaron J. Greenfield, Greenfield Law, LLC,  
410.446.1992**