



**MARYLAND
LEGAL AID**

Advancing
**Human Rights and
Justice for All**

HB 1253

Health Care Facilities - Access to Telephones

Hearing on March 13, 2024, Health and Government Operations Committee

Position: FAVORABLE

Maryland Legal Aid submits its written and oral testimony on HB 1253 at the request of Delegate Metzgar.

Maryland Legal Aid (MLA) asks that the Committee report **favorably and pass** HB 1253, which requires health care facilities, including skilled nursing facilities and hospitals, to ensure residents have reasonable access to a telephone in their rooms.

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 skilled nursing facilities and hospitals, in cases relating to health care access, long-term care, evictions from skilled nursing facilities, and guardianship.

As the nature of healthcare changes, including private equity investment, skilled nursing facilities and assisted living facilities are cutting costs in ways that negatively impact residents' basic daily care, as well as their privacy and connection to support systems. One common cost reduction measure is the lack of telephone access in a resident's room. Older adults are becoming more confident with technology, but a great many of our low-income clients neither have email nor a cell phone. A room telephone is frequently their only method of communication method with the outside world – even if only to file complaints to the government about their care.

MLA regularly provides representation to residents in skilled nursing and assisted living facilities who lack access to a telephone. This lack of telephone access interferes with access to private attorney-client communication. All attorneys who represent people in nursing and assisted living facilities are very careful to observe protocols relating to attorney-client privilege. Sometimes, however, we receive telephone calls from potential clients from a facility nurse's station, which is a public-facing location. One of our clients wanted to have a telephone call relating to his eviction appeal rights, but only had access to a roommate's cell phone. A confidential, reliable telephone connection between client and attorney is important to protect a client's rights, including, for example, averting an order of guardianship. Even our potential clients frequently face a very hard choice between waiving confidential communications and the inability to speak over the telephone at all. For these reasons, MLA staff drive long distances, all over the state, in order to effectively communicate with our clients and potential clients.

Maryland Legal Aid strongly urges the Committee to issue a FAVORABLE report and PASSAGE of HB 1253. If you have any questions, please contact Cornelia Bright Gordon, cbgordon@mdlaborg.