



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 20th, 2024

SB759: Estates and Trusts - Guardianship of the Person of a Disabled Person - Expedited Proceedings

Chair Smith, Vice-Chair Waldstreicher, Members of the Committee,

I am here to present SB759: Estates and Trusts - Guardianship of the Person of a Disabled Person - Expedited Proceedings.

SB 759 does two things:

1. It requires a court to rule on petitions to appoint a guardian of the person for the purpose of making decisions relating to discharge from a hospital within 10 days; and
2. Allows hearings to appoint a guardian of the person of a disabled person to be held virtually.

While guardianship should always be the last resort, it is imperative that our state address the growing crisis in our hospitals. Hospital emergency department wait times in Maryland are some of the worst in the country. Over the interim, a Workgroup was convened at the direction of the General Assembly to investigate the underlying causes contributing to the problem and to develop recommendations. The Workgroup concluded there are multiple factors contributing to this problem, including insufficient care options outside a hospital, throughput inefficiencies inside the hospital, and the ability for the hospital to discharge individuals who no longer need acute care in a timely manner.

With regard to timely discharge of disabled individuals, the Workgroup heard over and over there are significant delays in the appointment of a guardian and there are wide variations between jurisdictions on the time it takes for the court to appoint a guardian. Unfortunately, there are consequences associated with those delays. Most importantly, the patient is not in the right setting to meet their needs and often the patients' condition deteriorates due to isolation, a higher risk of infection, lack of rehabilitation services, etc.

Another consequence associated with these delays, is the inability to admit patients the need acute care services who are waiting for a bed in the emergency department. This leads to patients being "boarded" in the emergency department for long periods of time and limits their access to care.

Lastly, allowing for guardianship hearings to be held virtually will make the process more efficient. This was done during the pandemic and worked well.

Vice Chair Bartlett has met with several stakeholders, including some that you will hear from today. The Vice Chair, myself, and advocates have discussed the bill and determined what is agreed on and what is not. Vice Chair Bartlett is working to make amendments to the bill to address the concerns raised in stakeholder meetings.

Today you will hear from my panel including Pegeen Townsend of the Maryland Hospital Association, Allison Taylor of Kaiser Permanente, Peter Tallerico of Holy Cross Hospital, Kai Shea of Johns Hopkins, Hannah Kozaczek of Johns Hopkins Bayview Medical Center, and Helen Hash of the University of Maryland.

Thank you, and I ask for your support on Senate Bill 759.