

**Finance Committee**

**Senate Bill 0679: Nursing Homes – Direct Care Wages and Benefits and Cost Reports  
(Nursing Home Care Crisis Transparency Act)**

**February 18, 2025**

**Position: Support**

Thank you Madame Chair Beidle and Committee Members for the opportunity to provide written testimony for Senate Bill 0679: Nursing Home Care Crisis Transparency Act. Disability Rights Maryland (DRM – formerly Maryland Disability Law Center) is the federally designated Protection and Advocacy agency in Maryland, mandated to advance the civil rights of people with disabilities. DRM works to increase opportunities for Marylanders with disabilities to be integrated into their communities, live independently and access high-quality, affordable health care.

The pivotal 1999 *Olmstead v. LC* Supreme Court decision prohibited the unnecessary segregation of individuals with disabilities and affirmed the right of people with disabilities to live within their community.<sup>1</sup> However, some individuals with disabilities still reside within nursing homes to receive the care they need. As of 2020, in Maryland, 1.3% of people with disabilities between the ages of 18 and 64 still reside within nursing homes<sup>2</sup>; the percentage is higher for people with disabilities over the age of 65, at 7.58%.<sup>3</sup>

Unfortunately, within these facilities, residents, regardless of their disability, experience a low quality of care that impacts their overall well-being. As of November 2024, over 25% of nursing homes in Maryland have been found by the Office of Health Care Quality to have serious deficiencies that caused immediate jeopardy to the health and safety of the residents.<sup>4</sup> Past reports include failing to timely administer physician orders for substance use disorder (SUD) treatment, which ultimately led to overdoses,<sup>5</sup> and permitting the elopement of a resident with severe dementia and anxiety onto the main road, where she subsequently “hitched” a ride with an unknown female motorist.<sup>6</sup>

Though there are multiple causes for such deficiencies, a primary driver includes insufficient investment in the direct care workforce. Nursing homes are severely understaffed, with

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<sup>1</sup> *Olmstead v. LC*, 527 U.S. 581 (1999).

<sup>2</sup> Percentage of Working Age People with Disabilities Still Living In Nursing Homes, ADA PARC, <https://adata.org/sites/adata.org/files/files/PARC%20NH%20percent%20FactSheet.pdf>

<sup>3</sup> Percentage of Older Adults with Disabilities Living in Nursing Homes, ADA PARC, <https://adata.org/sites/adata.org/files/files/NH%2065%20Percent%20FactSheet.pdf>

<sup>4</sup> Nursing Home Inspect. ProPublica <https://projects.propublica.org/nursing-homes/state/MD> Maryland Nursing Homes | ProPublica

<sup>5</sup> Statement of Deficiencies for Provider 215085, Department of Health and Human Services, Center for Medicare and Medicaid Services (Survey Data 11/20/23), <https://www.medicare.gov/care-compare/inspections/pdf/nursing-home/215085/health/complaint?date=2023-11-20>

<sup>6</sup> Statement of Deficiencies for Provider 215226, Department of Health and Human Services, Centers for Medicare and Medicaid Services (Survey Data 1/11/24), <https://www.medicare.gov/care-compare/inspections/pdf/nursing-home/215226/health/complaint?date=2024-01-11> (1/11/24, Advanced Rehab at Autumn Lake)

Maryland's statewide average for staffing being 3.9 hours per resident per day.<sup>7</sup> Additionally, the statewide average for nursing staff turnover remains high, at 44.3%; at deficient nursing homes, this turnover rate is even higher<sup>8</sup>. The staffing shortage, coupled with the high rate of staff turnover, leads to a workforce that cannot adequately provide for the needs of nursing home residents. Ultimately, this inadequacy creates a lower quality of care that impedes a resident's ability to access medically necessary services. By ensuring that at least 75% of a nursing home's total nursing and residential care revenue go to direct care staff wages and benefits, Senate Bill 0679 will help to ensure that residents are given quality care by requiring that nursing homes sufficiently invest in their direct care workforce. SB 0679 will also require nursing homes to file an annual cost report with the Maryland Department of Health, starting in 2026, to ensure compliance with the bill's wage and benefits investment. This critical investment and oversight through annual reporting will subsequently improve the safety, quality of care, and overall quality of life for nursing home residents.

In a healthcare system that is already not easily accessible for individuals with disabilities, unnecessary barriers need to be broken down. The nursing home industry's inability to provide quality care to their residents, especially individuals with disabilities, serves as one of those obstacles that must be removed. Senate Bill 0679 serves as an important step forward to ensuring that such an obstacle is removed, allowing for nursing home residents with disabilities in Maryland to access the quality care that they not only need, but also deserve. In turn, Maryland can help to create a future that allows people with disabilities to feel respected and equal in society.

**For these reasons, DRM strongly supports Senate Bill 0679 and urges a favorable report.**

Respectfully,

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<sup>7</sup> Nursing Home Inspect, ProPublica, <https://projects.propublica.org/nursing-homes/state/MD>

<sup>8</sup> Nursing Home Inspect, ProPublica, <https://projects.propublica.org/nursing-homes/state/MD>