

Maryland Legal Aid Testimony
SB493 – Nursing Facilities – Involuntary Discharge or Transfer
Hearing on February 24, 2026, Finance Committee
Position: Favorable with Amendment

Maryland Legal Aid submits written and oral testimony on SB493 in response to a request from Senator Beidle.

Maryland Legal Aid is a non-profit law firm that provides free legal services to low-income and vulnerable Maryland residents. Each year, we assist hundreds of individuals who reside in nursing facilities. These clients are vulnerable adults living with disabilities who rely on their nursing facility to keep them safely housed and maintain their dignity.

People move out of their homes under a variety of circumstances; this is also true for people who make their homes in nursing facilities. State and federal laws protect residents during this process because they are among Maryland’s most vulnerable populations. Unfortunately, Maryland Legal Aid often receives calls for assistance from residents whose moves are chaotic and dangerous because nursing facilities are not giving them adequate notice to prepare for their move.

SB493 ensures that residents receive adequate notice and meaningful time to plan for their move. Federal and State law agrees that 30 days’ notice is generally required to evict¹ residents from their homes and that the notice they receive must include the location where they will go². Nursing facilities often exploit the weak language in the existing law to make last-minute changes to the locations indicated on the residents’ notices and, in the most egregious violations, send them to unsafe settings like homeless shelters and one-night cheap hotels.

Closing the loopholes that allow residents’ destinations to change within the 30-day notice period is critical for Maryland Legal Aid clients. It allows them to investigate their proposed new home to decide if it meets their needs and is a good fit. If it is not, then they have a meaningful opportunity to file an appeal. Some nursing facilities are currently emboldened to provide a final destination only 48 hours before a resident’s move. Imagine living with disabilities severe enough to require care in a nursing facility and then having only 2 days to investigate whether an unfamiliar location is safe and appropriate enough to become your new home.

Maryland Legal Aid respectfully requests one amendment, as attached to this testimony. When a nursing facility updates the location to which the resident is to be moved, it should be clear that

¹ 42 CFR § 483.15(c)(4)(i) and MD Health Gen. 19-345.1(c)(1). Note that “involuntary discharge” is the legal term of art for eviction from a nursing facility.

² 42 CFR § 483.15(c)(5)(iii) and MD Health Gen. 19-345.1(b)(3).

this update shall be provided via issuance of a new notice to which appeal rights attach. This ensures the resident retains the ability to appeal moves to new locations they find unsuitable.

Maryland Legal Aid urges a favorable report on SB 493, with the amendment described above, to ensure that residents moved out of a facility against their will maintain their dignity. If you have questions please contact Cornelia Bright Gordon, Director of Advocacy for Administrative Law, Maryland Legal Aid, at cbgordon@mdl原因.org, or Viola Woolums, Deputy Advocacy Director for Public Benefits, Maryland Legal Aid, at vwoolums@mdl原因.org.

PROPOSED AMENDMENT TO SB 493

P. 5 line 24 – p. 6 line 3

24 (f) (1) If the information in the notice provided under subsection (c) of this
25 section changes before the discharge or transfer, the facility shall provide the changes to
26 the recipients of the notice as soon as practicable after the new information becomes
27 available.

28 (2) ~~IF AN UPDATED NEW NOTICE IS PROVIDED UNDER THIS SUBSECTION,~~
29 ~~THE RESIDENT MAY NOT BE DISCHARGED OR TRANSFERRED FOR AT LEAST~~
30 ~~DAYS 30 AFTER THE UPDATED NEW NOTICE HAS BEEN PROVIDED TO THE~~
~~RESIDENT, AND APPEAL RIGHTS ATTACH TO THE NEW NOTICE.~~

1 (3) ~~AN UPDATED NEW NOTICE PROVIDED UNDER THIS SUBSECTION SHALL~~
2 ~~INDICATE ANY DIFFERENCES BETWEEN THE PRIOR NOTICE AND THE UPDATED~~
3 ~~NOTICE.~~