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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

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Senate Bill 493
Nursing Facilities – Involuntary Discharge or Transfer

Good afternoon Vice Chair Hayes and Members of the Finance Committee:

Thank you for the opportunity to present SB 493, Senate Bill 493 Nursing Facilities – Involuntary Discharge or Transfer. SB 493 is about process, transparency, and protection for residents living in Maryland’s 220 nursing homes. An “involuntary discharge” is defined in federal regulation as a transfer or discharge initiated by a nursing facility without the consent of the resident or their representative. Under law, this can happen only for six specific reasons—yet the process continues to create serious concerns for residents and families alike.

Involuntary discharges from nursing facilities is one of the most common and distressing complaints reported by residents and families. According to the Maryland Long-Term Care Ombudsman Program, involuntary discharges remain the number-one complaint both in Maryland and nationwide. Too often, these discharges happen abruptly, leaving older adults without a safe place to go and families scrambling for options. Residents with complex medical needs are sometimes told to leave with little practical say in where they go, and families, if any, must find safe care on short notice. While Maryland law already limits involuntary discharge to a short list of reasons and requires written notice, we continue to see residents discharged to motels, shelters, or other unstable settings that cannot meet their medical and personal care needs. These failures turn a lawful discharge into a serious health and safety risk.

Senate Bill 493 focuses on *how* involuntary discharge and transfer are carried out. The bill:

- Updates and expands the information that must be included in the written notice and any updated notice of an involuntary discharge or transfer, building on Maryland’s standardized notice requirements.
- Prohibits involuntary discharge or transfer before the facility receives specified confirmations and documentation needed to ensure the resident’s care will continue safely after discharge.

- Requires that notices and updated notices be provided to residents within a clear minimum time period before the discharge or transfer so that residents, families, and the Long-Term Care Ombudsman have a meaningful opportunity to respond.
- Strengthens the required post-discharge plan of care by specifying additional information it must contain, such as the resident's goals, expected medical and basic needs after discharge, and how those needs will be met in the new setting.

SB 493 updates and strengthens how involuntary discharges are handled. Most importantly, it ensures that every nursing home resident, regardless of how long they have lived in a facility, has the right to a 30-day written notice before any involuntary discharge takes place.

Today, Maryland's statute largely mirrors federal nursing home regulations. But both the federal rules and our state statute only protect those residents who have lived in the nursing home for 30 days. SB 493 makes clear that every resident, whether long-term or short-stay, is entitled to a 30-day notice and time to plan when a facility initiates an involuntary discharge.

This bill is not just about due process—it is about dignity and safety. When residents are discharged without adequate notice, they frequently end up in hospital emergency departments—exacerbating Maryland's already long ER wait times. Providing 30-day notice gives residents, families, and care teams the time they need to create an appropriate plan, one that avoids unnecessary hospitalization and supports stable, person-centered transitions to community or alternative care settings.

Finally, SB 493 adds clear, simple, but vital language: every discharge must lead to a *safe, secure, and sustainable* destination. These words matter. Residents facing involuntary discharges are often medically fragile, cognitively impaired, or socially isolated. Our laws must do more than simply move people out; they must ensure every transition protects their health, dignity, and well-being.

By enacting SB 493, we reaffirm Maryland's commitment to protecting our most vulnerable residents, ensuring fairness, and improving outcomes across our long-term care system.

The Department has worked with LifeSpan and agreed on sponsor amendments. I respectfully request a "Favorable Report" on SB 493 with amendments.