



Empowering People to Lead Systemic Change

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DisabilityRightsMD.org

HOUSE HEALTH COMMITTEE

House Bill 1002: Nursing Facilities—Involuntary Discharge or Transfer

February 25, 2026

POSITION: SUPPORT WITH AMENDMENTS

Disability Rights Maryland (DRM), a non-profit legal advocacy organization, is the federally-mandated Protection and Advocacy agency for the State of Maryland, charged with defending and advancing the rights of persons with disabilities. DRM has represented Maryland children, youth, and adults with disabilities for more than 40 years. DRM appreciates that the bill would put guardrails around the involuntary discharge or transfer of nursing home residents and supports House Bill 1002 with two amendments.

Current federal nursing home law permits the involuntary discharge or transfer of nursing home residents in six circumstances. See 42 C.F.R. 483.15. However, for clarity, DRM recommends that House Bill 1002 reference federal law so the bill is not interpreted to more widely condone the practice of involuntary discharge or transfer. DRM recommends that page 1, lines 19-20 be amended to read: “A resident of a facility may not be transferred or discharged from the facility involuntarily except for the following reasons OUTLINED IN FEDERAL LAW...”

DRM appreciates that House Bill 1002 expands on federal law to ensure that all nursing home residents, regardless of how long they have resided in the home, receive notice of the impending involuntary discharge or transfer. Current federal law requires that nursing home residents with intellectual disabilities or mental illness be provided with the mailing address, email address and telephone number of the state’s protection and advocacy agency if they are facing an involuntary discharge or transfer. However, House Bill 1002 goes further than federal law and requires that nursing home residents in this situation be advised of “the availability of Disability Rights Maryland to assist residents with intellectual or developmental disabilities, mental disorders, and related disorders...” This provision is problematic, as DRM does not have the staff or resources to provide this assistance. When DRM does receive calls about this issue, staff refer the callers to Maryland Legal Aid, which does take these cases. Therefore, DRM requests the following amendment:

Page 4, lines 10-12: Strike this provision. (10)(I): ~~“THE AVAILABILITY OF DISABILITY RIGHTS MARYLAND TO ASSIST RESIDENTS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITIES, MENTAL DISORDERS, AND RELATED DISORDERS;”~~

DRM supports House Bill 1002 with these amendments.

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