



Wes Moore | Governor

Aruna Miller | Lt. Governor

Carmel Roques | Secretary

Date: March 9, 2026

Bill Number: HB 1323

Bill Title: Health Care Decisions Act - Surrogate Decision Making- Hospital Surrogate Committee

Committee: House Health Committee

MDOA Position: Information

Madam Chair, Vice-Chair, and Members of the Committee:

Thank you for the opportunity to provide this informational testimony on HB 1323 - Health Care Decisions Act - Surrogate Decision Making- Hospital Surrogate Committee.

MDOA serves as Maryland’s State Unit of Aging, administering federal and state funding for core programs, overseeing the Area Agency on Aging (AAA) network at the local level that provides services, and planning for Maryland’s older adult population. MDOA oversees the public guardianship system of last resort for older adults aged 65 and older in partnership with AAAs. Maryland’s 19 AAA’s serve as public guardians for adults aged 65 and older in last resort situations where no family member or suitable alternative guardian is available. Many guardianship petitions are made by hospitals for a person that has become incapacitated and unable to make decisions and has no potential surrogates available to make decisions for them. In hospitals and otherwise, MDOA strongly supports guardianship avoidance and other efforts to preserve older adults’ autonomy and well-being. As such MDOA was a member of the Working Group on Alternatives to Guardianship for Unrepresented Hospital Patients in Need of Treatment and Discharge Decisions (the “Alternatives to Guardianship Workgroup”), which was capably chaired by University of Maryland School of Law Professor Diane Hoffman.



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MDOA appreciates the intent of the Alternatives to Guardianship Workgroup in offering this legislation, with a goal of ensuring that unrepresented patients in hospitals receive appropriate care. The bill creates a new seven-member surrogate committee for each hospital in the state, with membership carefully balanced and voting requirements designed to minimize the potential for conflicts. MDOA acknowledges that similar hospital surrogate committee structures exist in a few other states as a result of past legislation. However, MDOA maintains concerns that successful committee membership recruitment may be challenging in some parts of the state and that there may still be potential conflicts of interest that could arise.

MDOA is supportive of the feedback of the Maryland Department of Disabilities, other advocates in the disability rights community as well as the Maryland Department of Health, and any amendments MDH may offer after discussions with the sponsor to reduce operational impacts statewide.

Thank you for your consideration. Please contact Andrea Nunez with any questions or concerns: andrea.nunez@maryland.gov, 443-414-8183.