

Testimony on HB1002: Position – Favorable

Nursing Facilities - Involuntary Discharge or Transfer

TO: Chair Bagnall, Vice Chair Cullison, and Members of the Health Committee

FROM: Yvette Monroe, Vice-Chair, Montgomery County Commission on Aging

Thank you for the opportunity to submit testimony in support of HB1002 – Nursing Facilities – Involuntary Discharge or Transfer. The Montgomery County Commission on Aging (CoA) was established in 1974 pursuant to the Federal Older Americans Act of 1965, which requires an Advisory Council to each Area Agency on Aging. In this role, the CoA serves as an advocate for the health, safety, and well-being of older adults in Montgomery County at the local, State, and national levels.

HB1002 strengthens essential protections for residents of long-term care facilities by ensuring that involuntary transfers and discharges occur only under appropriate, safe, and fully documented circumstances. The bill closes long-standing gaps that have allowed residents, particularly those with complex medical or behavioral health needs, to be discharged to unsafe or inappropriate settings such as hotels, homeless shelters, halfway houses, or small group homes that lack the staffing, clinical expertise, and care-coordination capacity to meet their needs.

The entities identified above have expressed concern that they are not equipped to manage individuals with serious or persistent mental illness, nor do they have the infrastructure to develop or implement care plans. They are not designed to provide medical oversight, behavioral health support, or coordinated services. HB1002 recognizes this reality and prevents facilities from transferring or discharging residents into environments that cannot provide a safe, sustainable level of care. By requiring confirmation from the receiving facility and mandating a comprehensive post-discharge plan of care, the bill ensures that residents are not abandoned or placed in settings fundamentally incapable of supporting them.

Equally important, HB1002 enhances notice requirements by mandating the use of a standardized, plain-language form that clearly outlines the reason for a transfer or discharge, the proposed location, the resident's rights, and available legal and advocacy resources. The bill also strengthens the transfer and discharge planning process by requiring identification of the resident's medical and basic needs, the address of the new residence, and assurances that the environment is safe, secure, and appropriate.

These improvements are vital for older adults, many of whom face complex medical conditions, limited financial resources, and reduced ability to advocate for themselves.

Involuntary discharges continue to create serious concerns for residents and their families. HB1002 strengthens the protections and procedures needed to ensure that any transfer or discharge is carried out safely, appropriately, and with proper planning. The bill establishes practical safeguards to prevent unsafe or inappropriate removals from care facilities and clarifies, reinforces, and enforces what constitutes a truly 'safe discharge.

For these reasons, we respectfully urge a **FAVORABLE** report on **HB1002**.