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Bills for this week's discussion:

**House Bill 1118: Health Care Facilities – Discrimination (LGBTQ Senior Bill of Rights).**

This bill is a reintroduction and prevents a comprehensive care or extended care facility from discriminating against an individual or resident based on the individual's or resident's actual or perceived sexual orientation, gender identity, gender expression, or HIV status. Each facility must post a required notice of these prohibitions in a form developed by the Maryland Department of Health and include the notice in any materials that include the facility's nondiscrimination policy. A person who violates any provision of the bill is subject to existing penalties, as specified. Last Session, LifeSpan submitted a letter of information on the basis that another bill (HB1020) that prohibited discrimination had also been introduced and was given favorable reports.

**House Bill 1171: Labor and Employment – Maryland Employee Protection Plan for Vaccine Refusal.**

This bill states that an employer may not terminate an employee solely on the basis of the employee's refusal to receive a vaccination against COVID-19. Notwithstanding any other provision of law, an employee waives the right to file a civil action against the employer if the employee has refused to receive a vaccination against COVID-19 offered by the employer or otherwise made available to the employee; and the employee contracts COVID-19 in the course of employment.

**House Bill 1261/Senate Bill 820: Wills, Powers of Attorney, and Advance Directives - Electronic Execution.**

This bill authorizes the electronic execution and remote witnessing of wills, powers of attorney and advance directives if certain conditions (articulated in the bill) are satisfied.

**House Bill 1263: Maryland Department of Health - COVID-19 Vaccination Plan.**

This bill requires, by April 1, 2021, the Maryland Department of Health to adopt a comprehensive vaccination plan for COVID-19 and submit weekly updates on its implementation to the General Assembly. It is an emergency bill. NOTE: This bill does not include any testing mandates.

**House Bill 1281/Senate Bill 844: Adult Protective Services - Vulnerable Adults Registry - Investigations and Records of Abuse and Neglect and Workgroup Study.**

This bill is a reintroduction from the 2020 Session. This bill requires the Social Services Administration (SSA) to maintain a centralized confidential database (registry) related to reports, investigations, and assessments of suspected abuse or neglect of vulnerable adults. The bill also establishes a Workgroup to Study Best Practices for a Vulnerable Adult Registry in Maryland, which must report its findings by December 1, 2020. This bill is broad-based and applies to all persons suspected of abuse or neglect.

**House Bill 1292: Baltimore City - Nursing Homes and Assisted Living Programs - Social Workers.**

This bill requires each nursing home and assisted living in Baltimore City to designate each resident with a licensed social worker as the resident's case manager.

**House Bill 1326/Senate Bill 727: Maryland Healthy Working Families Act - Revisions and Public Health Emergency Leave.**

This bill permanently removes the exemption from Maryland's current Safe and Sick Leave Act those that work for a temporary staffing agency and those who are designated as "on-call" employees. The bill also extends the definition of a family member to any other individual related by blood to or whose close association with the employee is the equivalent of a family relationship.

This bill also requires, during a public health emergency, for employers to provide additional leave in the amounts of 112 hours (full-time; over 40 hours a week) or an amount equal to the average worked over a 2-week or 4-week period, which is greater (part-time).

Each employer must allow an employee to use this leave in relation to a public health emergency: (1) to isolate without an order to do so because the employee has been diagnosed with a communicable disease or is experiencing symptoms associated with a communicable disease; (2) to seek or obtain a medical diagnosis, care, or treatment because the employee is experiencing symptoms associated with a communicable disease or preventive care concerning a communicable disease; (3) care for a family member who is isolating, without an order to do so, because of a diagnosis or symptoms of a communicable disease; (4) due to a determination by a public health official or health care professional that the employee's presence at the place of employment or in the community would jeopardize the health of other individuals because of the employee's exposure to, or exhibited symptoms associated with, a communicable disease regardless of whether the employee has been diagnosed with a communicable disease; (5) to care for a family member due to a determination by a public health official or health care professional that the family member's presence at the place of employment or in the community would jeopardize the health of others because of the family member's exposure to, or exhibited symptoms associated with, a communicable disease or due to symptoms exhibited regardless of whether the family member has been diagnosed with a communicable disease; (6) due to the employee's inability to work or telework while subject to an individual or federal, state, or local shelter-in-place or stay-at-home order; (7) due to the closure of the employer's business due to a public health emergency; (8) to care for a child or other family member (i) when the care provider of the family member is unavailable due to the public health emergency; or if the child's or family member's school or place of care has been closed by a federal, state, or local public official or at the discretion of the school or place of care due to the public health emergency, including if the school or place of care is physically closed but providing instruction remotely; or (9) due to the employee's inability to work because the employee has a health condition that may increase susceptibility to, or risk of, a communicable disease including age, heart disease, asthma, lung disease, diabetes, kidney disease, a weakened immune system.

The leave is only required to be given once and not upon each renewal of the emergency if it has already been used. Employers are not required to request documentation for the leave and notice by the employee is only necessary if foreseeable. The leave in this bill goes into effect the day the bill is enacted and can be retroactive.

**Senate Bill 579: Health Care Facilities - Restrooms – Requirements.**

This bill requires each health care facility, on or after January 1, 2023, to provide in each restroom maintained by the health care facility a hands-free disposable towel dispenser and a device that allows an individual to open a door without touching the door handle. This bill also contains an extensive reporting requirement regarding the implementation of this bill to MDH prior to the effective date of January 1, 2023.

**Senate Bill 744: State Board of Nursing – Certified Nursing Assistant Advisory Committee – Membership and Meetings.**

This bill increases the number of alternates from three to six that the State Board of Nursing is required to appoint for the certified nursing assistants on the Certified Nursing Assistant Advisory Committee. This bill states that you must be a resident of MD, a citizen of the US and worked for at least 5 years immediately preceding the appointment to the Advisory Committee.

**Senate Bill 748/House Bill 1022: Public Health - State Designated Exchange - Clinical Information.**

This bill requires a nursing home, on request of the Maryland Department of Health, to electronically submit clinical information to the State designated exchange (CRISP). The bill authorizes to provide the information submitted to (i) a health care provider; an authorized health information exchange user; a health information exchange authorized by the MHCC; a federal official; and (v) a State official. An electronic health network may not charge a fee to a health care provider or to CRISP for providing the information.

**Senate Bill 795: Oversight Committee on Quality Care in Nursing Homes and Assisted Living Facilities - Membership and Cochairs.**

This bill adds LeadingAge Maryland to the Committee; requires two co-chairs; and requires that 80% of the designated spots be filled prior to the appointment of the co-chairs.

**Senate Bill 837: Health - Advance Care Planning and Advance Directives.**

This bill requires the Maryland Health Care Commission to coordinate the implementation of advance care planning programs in the State. The bill also requires each health insurance carrier to offer electronic advance directives to its members and enrollees during open enrollment and periodically thereafter. The bill requires the Motor Vehicle Administration to submit a report on the implementation of the requirements implemented from previous sessions. This bill also requires MDH to provide information on advance care planning to be given during vaccination clinics for COVID-19.

*LifeSpan thanks our legislative sponsor for their support and dedication to the senior care industry and to LifeSpan members.*



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