



**General Assembly Weekly Report**  
**Week ending January February 2, 2024**  
**Prepared by Danna Kauffman**  
**Schwartz, Metz, Wise & Kauffman, PA**

**General Weekly Overview**

LifeSpan had a successful Legislative Event, with presentations from the Secretary of Aging on the Department’s activities as well as from the Maryland Department of Labor on the Family and Medical Leave Insurance (FAMLI) Program. Both member and legislator attendance were strong. If you would like to schedule a follow-up meeting with a legislator, please feel free to contact Danna Kauffman at [dkauffman@smwpa.com](mailto:dkauffman@smwpa.com) for assistance.

For more information on FAMLI, go to [Paid Family and Medical Leave \(maryland.gov\)](http://PaidFamilyandMedicalLeave(maryland.gov)). Under the “Stakeholder” icon, you can also register for email notification and information.

Sign up for the Department of Aging’s newsletter and alerts - [Maryland Department of Aging - Sign up here for news and updates from the Maryland Department of Aging \(govdelivery.com\)](http://MarylandDepartmentofAging-SignupherefornewsandupdatesfromtheMarylandDepartmentofAging(govdelivery.com)). Additional information on the Longevity Ready initiative can be found at - [LRM \(maryland.gov\)](http://LRM(maryland.gov)).

This week, LifeSpan will be holding a meeting to further discuss legislation on the soon-to-be introduced nursing home acquisition legislation.

There are two important dates this week – February 5<sup>th</sup> is the introduction date for the Senate and February 9<sup>th</sup> is the introduction date for the House. Any bills filed after these two dates are not considered timely and will most likely only receive a sponsor hearing.

**Newly Introduced Legislation for Discussion**

**[House Bill 547: Crime of Violence – Educational Facilities, Medical Facilities, and Places of Worship – Penalty \(Sacred Places Safety Act\).](#)**

This bill makes it a crime to commit an act of violence in an educational facility, medical facility and place of worship and makes it a felony and adds an additional 10 years to the sentence. Act of violence is defined as [Laws - Statute Text \(maryland.gov\)](#).

**[House Bill 698/Senate Bill 759: Estates and Trusts – Guardianship of the Person of a Disabled Person – Expedited Proceedings](#)**

This bill changes the time for the court to hear a petition for guardianship of the person from an “expedited manner” to within 10 calendar days if the purpose of the petition seeking appointment of a guardian is to obtain consent to discharge or transfer an alleged disabled person from a

hospital. A hearing on a petition under this section must be held virtually unless the party seeking the appointment of a guardian or the alleged disabled person requests that the hearing be held in person. NOTE: This bill is related to the wait times being experienced in the emergency departments stemming from hospital throughput issues.

### **House Bill 723: Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties**

This bill has been requested by the Office of the Attorney General and applies to nursing homes and assisted living programs. For nursing homes, currently, the Attorney General has the authority to seek injunctive relief on behalf of a resident in cases where an involuntary discharge or transfer is imminent or has taken place from a nursing home. This bill expands that authority on the basis of an imminent or ongoing violation of a basic right of residents of facilities related to five resident rights already in the statute – 1) The right to receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant State and federal laws, rules, and regulations; 2) The right to be free from mental and physical abuse; 3) The right to notice, procedural fairness, and humane treatment when being transferred or discharged from a facility; 4) The right to be free from physical and chemical restraints, except for restraints that a physician authorizes for a clearly indicated medical need; or 5) the right to manage personal financial affairs.

For assisted living programs, Maryland law requires a resident bill of rights, which is in regulation. This bill lifts certain rights from the regulations and puts them in statute, similar to the rights set forth above. The bill then authorizes the Attorney General to seek injunctive relief on behalf of the state on the basis of an imminent or ongoing violation of the listed right and authorizes the attorney general to impose a civil penalty not to exceed \$10,000 for each violation by an assisted living program of those rights.

### **House Bill 784: Task Force on Reducing Emergency Department Wait Times**

This bill is a reintroduction creating the above-reference Task Force. However, at the request of the Chairs of HGO and FIN, this Task Force already convened over the interim and issued a report on recommendations for reducing wait times.

### **Senate Bill 712: State-Owned Nursing Homes – Deficiencies, Citations, and Fines – Reporting Requirements**

Last Session, legislation passed focused on the issues surrounding Charlotte Hall Nursing Home. This bill makes changes to the reporting requirements and requires that reports be made to the Governor and General Assembly (removes OHCQ) within 15 days of receiving a deficiency after final survey findings and within 30 days after an acceptable plan of correction is submitted.

## **Updates on Legislation**

LifeSpan, along with LeadingAge MD, opposed the House version of the **Funding for Wages and Benefits for Nursing Home Workers (Nursing Home Staffing Crisis Funding Act of 2024)**, which would require the State to provide an 8% rate increase for FY2026, FY2027 and FY2028 to Medicaid providers and then require 75% of each increase to be used to increase wages and benefits for nursing home workers. The hearing went as expected and, after the hearing, representatives from LifeSpan and LeadingAge MD met with the House sponsor to further discuss

the issues. There was preliminary discussion on whether House Bill 349, which requires the Department of Aging to hire a consultant to examine public and private funding options for long-term care services and supports, could be a vehicle to better examine the deficits in current funding streams and how wages could be equitably bolstered.

**House Bill 68: Continuing Care Retirement Communities – Grievances** was heard in the House Health and Government Operations Committee. It was a lengthy hearing. When the hearing finished, the Chair requested that LifeSpan and LeadingAge work with MaCCRA and the sponsors on amendments to address the transparency and communication issues. The bill is being heard in the Senate this week.

**House Bill 525/Senate Bill 513: Employment Discrimination – Use of Cannabis Products**, which prohibits an employer from taking an adverse employment action concerning an employee’s lawful use of cannabis, is being heard on February 22<sup>nd</sup> and February 23<sup>rd</sup>. LifeSpan has taken a “No Position” on the bill, but there was discussion regarding the liability that could occur in health care. The District of Columbia passed similar legislation. However, the District has an exemption for “safety sensitive” positions, which includes health care. [B24-0109-Signed Act.pdf \(dccouncil.gov\)](#).

### **Key Dates**

Key dates this Session include:

- February 5<sup>th</sup>: Senate Bill Introduction date.
- February 9<sup>th</sup>: House Bill Introduction date.
- March 18<sup>th</sup>: Cross-over date.
- April 1st: Budget Bill to be passed by both Chambers.
- April 8<sup>th</sup>: Sine Die/Last Day of Session.