



*Keeping You Connected...Expanding Your Potential...
In Senior Care and Services*

TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Brian Feldman

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer
Richard A. Tabuteau

DATE: February 26, 2020

RE: **SUPPORT WITH AMENDMENT** – *Senate Bill 738 – Health Care Providers and Health Benefit Plans – Discrimination in Provision of Services*

On behalf of the LifeSpan Network, the largest and most diverse senior care provider association in Maryland representing nursing facilities, assisted living providers, continuing care retirement communities, medical adult day care centers, senior housing communities and other home and community-based services, we support with amendment Senate Bill 738, which alters the discrimination laws as it applies to hospitals and related institutions (nursing facilities, assisted living and others) by expanding the list of protected clauses. Similar provisions are included in the bill prohibiting discrimination by an individual licensed or certified by the Maryland Department of Health (MDH) or by health benefit plans.

With regard to the provisions related to individuals licensed or certified by MDH or by health benefit plans, this bill contains an important qualifier that specifies that care may be refused, withheld or denied if it is based on the inability to comply with the usual and regular requirements, standards and regulations governing the health occupation. We believe that this is an important provision and should be added to the section on related institutions.

On page 2, after line 12, insert:

“(B) THIS SECTION DOES NOT PROHIBIT A HOSPITAL OR A RELATED INSTITUTION FROM REFUSING, WITHHOLDING FROM, OR DENYING TO ANY INDIVIDUAL MEDICAL SERVICES FOR FAILURE TO CONFORM TO THE USUAL AND REGULAR REQUIREMENTS, STANDARDS, AND REGULATIONS IMPOSED BY THE LICENSED OR REGULATED PERSON, UNLESS THE REFUSAL, WITHHOLDING, OR DENIAL IS BASED ON DISCRIMINATION ON THE GROUNDS OF RACE, COLOR, RELIGION, SEX, AGE, NATIONAL ORIGIN, MARITAL STATUS, SEXUAL ORIENTATION, GENDER IDENTITY, GENETIC INFORMATION, OR DISABILITY.”; in lines 13 and 19, respectfully, strike “(B)” and (C)” and substitute “(C)” and “(D)”, respectfully.

For more information call:

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