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House Bill 723 Consumer Protection – Office of the Attorney General – Rights of Residents of Health Care Facilities – Injunctive Relief and Penalties

House Health and Government Operations Committee

February 21, 2024

Position: SUPPORT

Mental Health Association of Maryland (MHAMD) is a nonprofit education and advocacy organization that brings together consumers, families, clinicians, advocates and concerned citizens for unified action in all aspects of mental health and substance use disorders (collectively referred to as behavioral health). We appreciate the opportunity to provide this testimony in support of House Bill 723.

HB 723 establishes a bill of rights for residents of assisted living facilities. It also extends the enforcement powers of the Attorney General to assisted living facilities and includes the power to impose fines for violations of the rights of assisted living residents.

HB 723 is needed. It has been some time since regulations regarding assisted living facilities have been updated, the rights of residents in these facilities are not clearly defined, and enforcement of resident rights is lacking. Codification of specific delineated rights in statute will make clear what is to be expected and additional authority for the Attorney General to enforce those rights will help ensure they are protected.

While there are mechanisms in place for residents of assisted living facilities to file complaints, such as contacting the Office of Health Care Quality (OHCQ), complaints don't always result in remedy. OHCQ is chronically understaffed and has difficulty being responsive. It can take months just to get a report. OHCQ has little power except to levy fines, typically for violations that are more operational in nature, and not related to resident's rights. HB 723 will rectify this by protecting, among other things, the right to be treated with consideration and respect, the right to be free from mental abuse, and the right to notice, procedural fairness, and humane treatment when being transferred or discharged from a facility.

HB 723 will go a long way to improving the lives of residents of assisted living facilities. For this reason, MHAMD urges a favorable report.

For more information, please contact Ann Geddes at (443) 926-3396