

**House Bill 828 Health Care Facilities - Rights of Comprehensive and  
Extended Care Facility Residents - Hospice Comfort Care**

Health and Government Operations Committee

February 20, 2025

**Position: Letter of Information**

The Mental Health Association of Maryland 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 letter of information regarding House Bill 828.

HB 828 establishes an exception to a basic right of residents in a comprehensive care or extended care facility. Specifically, the bill provides that each resident has the right to be free from physical and chemical restraints, except for sedatives, anti-anxiety medication, a bed rail, or a Geri chair (geriatric chair) ordered or authorized by a prescriber, and used in compliance with the order, for a patient receiving hospice care.

MHAMD appreciates the well-meaning intent behind HB 828 and recognizes the need to ensure access to comfort measures for individuals receiving hospice care. However, we worry that loosening restrictions related to prescribing in extended care facilities without adequate guardrails may increase medication misuse in these settings.

National reporting<sup>1</sup> in recent years has raised concern about the misdiagnosing of residents in nursing homes and assisted living facilities and the overprescribing of potentially harmful antipsychotic medications as a way of sedating residents. While HB 828 is limited in scope to patients receiving hospice care, these arrangements can sometimes last much longer than expected, with some patients in hospice for weeks or months.

As an initial observation, the bill seems unnecessary given the existing statutory exemption. The law already allows for the use of physical or chemical restraints that a physician has authorized for a medical need. However, if the committee is inclined to move forward with this legislation, we request that the following protections be added to the existing list of resident/patient rights:

***“The right to be free from psychotherapeutic drugs or sedatives used for the purpose of resident discipline, convenience, as a way of controlling behavior, or in any manner not required to treat the patient’s medical symptoms.”***

Again, MHAMD appreciates the intent behind HB 828, we would just ask for the adoption of some additional checks and protections before loosening standards related to the use of sedatives in extended care facilities.

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<sup>1</sup> Thomas, K., Gebeloff, R., & Silver-Greenberg, J. “Phony Diagnoses Hide High Rates of Drugging at Nursing Homes.” *New York Times*. Published Sept. 11, 2021. Updated March 12, 2024. <https://www.nytimes.com/2021/09/11/health/nursing-homes-schizophrenia-antipsychotics.html>