

WILLIAM DONALD SCHAEFER, Governor

(D) A JUDGE MAY REMOVE A VICTIM OR REPRESENTATIVE FROM THE TRIAL FOR THE SAME CAUSES AND IN THE SAME MANNER AS THE LAWS OR RULES OF COURT PROVIDE FOR THE EXCLUSION OR REMOVAL OF THE DEFENDANT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.

May 25, 1989

The Honorable R. Clayton Mitchell, Jr.
Speaker of the House of Delegates
State House
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed House Bill 709.

House Bill 709 would change the minimum number of residents allowed in a licensed domiciliary care home from 4 to 7 residents. These smaller homes would still have to register with the Department of Health and Mental Hygiene. The bill would also allow a domiciliary care home to provide nursing care and personal care services to residents.

It is my understanding that the purpose of the legislation is to encourage the creation of additional domiciliary care homes and to address the disparity in the numerical triggers for registration and licensure. Proponents argue that the more stringent requirements of licensure may cause small domiciliary care homes to go underground and circumvent the regulatory process altogether.

The Office on Aging has recommended a veto because House Bill 709 "will place thousands of frail seniors and disabled adults who reside in small domiciliary care facilities in the hands of providers who would be legally exempted from licensure and regulation under this legislation." The Office on Aging argues that although registered homes would be open to inspection by the Department of Health and Mental Hygiene, there are no standards by which homes would be held accountable. Mechanisms to safeguard elderly residents can only be effective if these facilities are held accountable to specific standards of care.