

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 442  
Health

(Delegate Kaufman, *et al.*)

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Professional Liability Insurance Coverage - Nursing Homes, Assisted Living  
Facilities, and Nurse Midwives - Disclosure

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This bill requires each nursing home, assisted living program, and nurse midwife to provide notification if professional liability insurance coverage is not maintained or such coverage has lapsed or not been renewed. Each nursing home, assisted living program, and nurse midwife that does not maintain professional liability insurance coverage must post such information in a conspicuous location, as specified.

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Fiscal Summary

**State Effect:** None. The change is technical in nature and does not directly affect governmental finances.

**Local Effect:** The bill does not directly affect local government operations or finances.

**Small Business Effect:** Minimal.

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Analysis

**Bill Summary:**

*Nursing Homes and Assisted Living Programs*

Each nursing home and assisted living program in the State must notify each resident and prospective resident in writing or by written electronic communication if (1) the nursing home or assisted living program does not maintain professional liability insurance coverage or (2) such coverage has lapsed for any period of time and has not been renewed.

The notification must be provided to a prospective resident (1) at their first visit during any period during which the nursing home or assisted living program does not maintain professional liability insurance coverage and (2) if the nursing home or assisted living program does not maintain such coverage at the time the prospective resident applies for admission, at the time of the application. If the coverage lapses, notification must also be provided to each resident within 30 days after the date the coverage has lapsed. The notification must be signed by the prospective resident at the time of application for admission or by the resident at the time of notification of the lapse in coverage. Notifications must be retained by the nursing home or assisted living program as a part of the nursing home or assisted living program's records.

Each nursing home or facility-based assisted living program operating in the State that does not maintain professional liability insurance coverage must post in a conspicuous place visible to residents and guests that the nursing home or facility-based assisted living program does not maintain such coverage.

#### *Nurse Midwives*

Each nurse midwife practicing as a nurse midwife in the State must notify a patient in writing or by written electronic communication if (1) the nurse midwife does not maintain professional liability insurance coverage or (2) such coverage has lapsed for any period of time and has not been renewed.

The notification must be provided to the patient (1) at their first visit during any period in which the nurse midwife does not maintain professional liability insurance, unless the visit is for the purpose of receiving incidental medical care that will be rendered free of charge, and (2) as part of each informed consent obtained before any procedure discussed or offered for the patient's consideration is performed. The notification must be signed by the patient at the time of the patient's visit or at the time the informed consent is signed. Notifications must be retained by the nurse midwife as a part of the nurse midwife's patient records.

Each nurse midwife who does not maintain professional liability insurance coverage must post this information in a conspicuous location in the nurse midwife's place of practice.

#### **Current Law:**

##### *Assisted Living Programs*

An assisted living program is a residential or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination of such services that meets the needs of individuals who need assistance with the activities of daily living.

### *Nursing Homes*

“Nursing home” means a facility (other than a facility offering domiciliary or personal care) that offers nonacute inpatient care to patients suffering from a disease, chronic illness, condition, disability of advanced age, or terminal disease requiring maximal nursing care without continuous hospital services, and who require medical services and nursing services rendered by or under the supervision of a licensed nurse together with convalescent, restorative, or rehabilitative services.

### *Nurse Midwife*

In general, an individual must be licensed as a certified nurse-midwife by the State Board of Nursing (MBON) to practice nurse midwifery in the State or licensed as a direct-entry midwife by MBON to practice direct-entry midwifery in the State. Direct-entry midwifery refers to an educational path that does not require prior nursing training to enter the profession.

### *Medical Professional Liability Insurance*

Medical professional liability insurance (also known as medical malpractice insurance) provides coverage against damages due to medical injury arising out of the performance of professional services rendered or which should have been rendered by a health care professional.

Chapter 770 of 2017, among other things, required licensed physicians to (1) provide written notification regarding professional liability insurance to patients; (2) maintain a signed written notification in the patient’s records; and (3) conspicuously post information regarding professional liability insurance.

Chapters 869 and 870 of 2024 required each advanced practice registered nurse (APRN) practicing in the State to notify a patient in writing if (1) they do not maintain professional liability insurance coverage or (2) their professional liability insurance coverage has lapsed for any period of time and has not been renewed. Each APRN who does not maintain professional liability insurance coverage must post such information in a conspicuous location in their place of practice.

Chapter 751 of 2025 required an insurer that issues or delivers medical professional liability insurance policies in the State to provide MDH, on request, with information regarding the insurer’s policy related to coverage of obstetric services, including coverage for a vaginal birth after cesarean.

## **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** SB 293 (Senator Jackson) - Finance.

**Information Source(s):** Maryland Department of Health; Maryland Health Care Alternative Dispute Resolution Office; Maryland Insurance Administration; Department of Legislative Services

**Fiscal Note History:** First Reader - January 30, 2026  
sj/jc

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