

# SENATE BILL 530

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CF HB 562

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By: ~~Senators Young, Benson, Currie, Feldman, Guzzone, Klausmeier, Lee, Manno, Nathan Pulliam, Oaks, Robinson, Salling, and Smith~~ Smith, and Madaleno Middleton, Astle, Feldman, Guzzone, Hershey, Jennings, Klausmeier, Madaleno, Manno, Mathias, Oaks, Reilly, Rosapepe, and Smith

Introduced and read first time: January 29, 2018

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 7, 2018

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Hospitals – Patient’s Bill of Rights**

3 FOR the purpose of requiring each administrator of a hospital to make a certain patient  
4 bill of rights easily accessible to all patients and visitors; requiring each  
5 administrator of a hospital to ~~provide patients with~~ offer to patients a certain  
6 patient’s bill of rights; requiring each administrator of a hospital to provide certain  
7 patients with a translator, an interpreter, or another accommodation to provide  
8 certain assistance to patients; ~~requiring each administrator of a hospital to~~  
9 ~~conspicuously post copies of the patient’s bill of rights on the hospital’s website and~~  
10 ~~in areas of the hospital accessible to patients;~~ requiring each administrator of a  
11 hospital to provide annual training to certain staff members to ensure the staff’s  
12 knowledge and understanding of the patient’s bill of rights; requiring a certain  
13 statement to be written in plain language; ~~altering~~ specifying the content of the  
14 rights that are required to be ~~included~~ addressed in a patient’s bill of rights;  
15 declaring the intent of the General Assembly; defining a certain term; making a  
16 technical change; and generally relating to hospitals and a patient’s bill of rights.

17 BY repealing and reenacting, with amendments,  
18 Article – Health – General  
19 Section 19–342  
20 Annotated Code of Maryland  
21 (2015 Replacement Volume and 2017 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
2 That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 19–342.

5 (A) IN THIS SECTION, “PATIENT” INCLUDES AN INPATIENT, AN OUTPATIENT,  
6 AND AN EMERGENCY SERVICES PATIENT.

7 (B) THE GENERAL ASSEMBLY INTENDS TO PROMOTE THE HEALTH, SAFETY,  
8 AND WELL-BEING OF PATIENTS AND TO FOSTER BETTER COMMUNICATION  
9 BETWEEN PATIENTS AND HEALTH CARE PROVIDERS IN HOSPITALS THROUGH THE  
10 USE OF A PATIENT’S BILL OF RIGHTS THAT SPECIFIES THE ETHICAL AND HUMANE  
11 TREATMENT THE PATIENT HAS A RIGHT TO EXPECT.

12 [(a)] (C) Each administrator of a hospital [is responsible for making available]  
13 SHALL:

14 (1) MAKE THE PATIENT BILL OF RIGHTS EASILY ACCESSIBLE TO ALL  
15 PATIENTS AND VISITORS;

16 ~~(1)~~ (2) PROVIDE OFFER to each patient in the hospital a WRITTEN  
17 copy of the patient’s bill of rights that [the]:

18 (I) THE hospital adopts under [the] ~~Joint Commission~~  
19 NATIONALLY RECOGNIZED HOSPITAL ACCREDITATION ORGANIZATIONS STANDARDS  
20 AND ALIGNED WITH 42 C.F.R. 482.13 [on Accreditation of Hospitals’] ~~guidelines;~~ AND

21 (II) COMPLIES WITH SUBSECTION (D) OF THIS SECTION;

22 ~~(2)~~ (3) IF A PATIENT DOES NOT SPEAK ENGLISH, REQUIRES THE  
23 PATIENT’S BILL OF RIGHTS IN AN ALTERNATIVE FORMAT, OR IS ILLITERATE,  
24 PROVIDE A TRANSLATOR, AN INTERPRETER, OR ANOTHER ACCOMMODATION TO  
25 ASSIST THE PATIENT IN UNDERSTANDING AND EXERCISING THE RIGHTS INCLUDED  
26 IN THE PATIENT’S BILL OF RIGHTS; AND

27 ~~(3) CONSPICUOUSLY POST COPIES OF THE PATIENT’S BILL OF RIGHTS~~  
28 ~~ON THE HOSPITAL’S WEBSITE AND IN AREAS OF THE HOSPITAL ACCESSIBLE TO~~  
29 ~~PATIENTS, INCLUDING THE ADMITTING OFFICE, PATIENT FLOORS, PATIENT ROOMS,~~  
30 ~~THE OUTPATIENT DEPARTMENT, AND EMERGENCY SERVICES WAITING AREAS; AND~~

1           (4) PROVIDE ANNUAL TRAINING TO ALL PATIENT CARE STAFF  
2 MEMBERS TO ENSURE THE STAFF'S KNOWLEDGE AND UNDERSTANDING OF THE  
3 PATIENT'S BILL OF RIGHTS.

4           **[(b)] (D)** The patient's bill of rights shall AT A MINIMUM ~~include a statement~~  
5 **ADDRESS, IN PLAIN LANGUAGE**, that a patient has a right to [expect and receive  
6 appropriate assessment, management, and treatment of pain as an integral component of  
7 the patient's care]:

8           ~~(1) RESPECTFUL, COMPASSIONATE CARE REGARDLESS OF AGE,~~  
9 ~~GENDER, RACE, NATIONAL ORIGIN, RELIGION, SEXUAL ORIENTATION, GENDER~~  
10 ~~IDENTITY, OR DISABILITY;~~

11           ~~(2) BE PROVIDED CARE IN A CLEAN, SAFE ENVIRONMENT FREE FROM~~  
12 ~~ALL FORMS OF ABUSE, NEGLECT, OR MISTREATMENT;~~

13           ~~(3) BE TOLD THE NAMES OF DOCTORS, NURSES, AND OTHER HEALTH~~  
14 ~~CARE TEAM MEMBERS INVOLVED IN THE PATIENT'S CARE;~~

15           ~~(4) HAVE A FAMILY MEMBER OR AN INDIVIDUAL OF THE PATIENT'S~~  
16 ~~CHOICE AND THE PATIENT'S DOCTOR NOTIFIED OF THE PATIENT'S ADMISSION TO~~  
17 ~~THE HOSPITAL;~~

18           ~~(5) HAVE A FAMILY MEMBER OR AN INDIVIDUAL OF THE PATIENT'S~~  
19 ~~CHOICE REMAIN WITH THE PATIENT FOR EMOTIONAL SUPPORT DURING THE~~  
20 ~~PATIENT'S HOSPITAL STAY;~~

21           ~~(6) INFORMED DECISION MAKING AND INFORMED CONSENT~~  
22 ~~REGARDING DIAGNOSIS AND POSSIBLE PROGNOSIS, AND THE BENEFITS AND RISKS~~  
23 ~~OF TREATMENT;~~

24           ~~(7) HAVE PAIN MANAGED;~~

25           ~~(8) BE FREE FROM RESTRAINTS AND SECLUSION UNLESS NEEDED~~  
26 ~~FOR SAFETY;~~

27           ~~(9) PRIVACY AND CONFIDENTIALITY IN CARE DISCUSSIONS, EXAMS,~~  
28 ~~AND TREATMENTS;~~

29           ~~(10) REQUEST AN ESCORT DURING ANY TYPE OF EXAM;~~

30           ~~(11) ACCESS PROTECTIVE AND ADVOCACY SERVICES IN CASES OF~~  
31 ~~SUSPECTED OR ALLEGED ABUSE OR NEGLECT;~~

1 ~~(12) PARTICIPATE IN DECISIONS ABOUT THE PATIENT'S CARE,~~  
2 ~~INCLUDING THE RIGHT TO REFUSE TREATMENT;~~

3 ~~(13) REFUSE TO TAKE PART IN MEDICAL RESEARCH STUDIES,~~  
4 ~~WITHOUT THE REFUSAL AFFECTING THE PATIENT'S CARE;~~

5 ~~(14) COMMUNICATION THAT THE PATIENT CAN UNDERSTAND, WHICH~~  
6 ~~MAY INCLUDE SIGN OR FOREIGN LANGUAGE INTERPRETERS, AND VISION, SPEECH,~~  
7 ~~HEARING, AND OTHER AIDS AS NEEDED WITHOUT CHARGE;~~

8 ~~(15) MAKE AN ADVANCE DIRECTIVE AND APPOINT A FAMILY MEMBER~~  
9 ~~OR AN INDIVIDUAL OF THE PATIENT'S CHOICE TO MAKE HEALTH CARE DECISIONS~~  
10 ~~FOR THE PATIENT, IF THE PATIENT IS UNABLE TO DO SO;~~

11 ~~(16) BE INVOLVED IN DEVELOPING THE DISCHARGE PLAN;~~

12 ~~(17) RECEIVE DETAILED INFORMATION ABOUT THE PATIENT'S~~  
13 ~~HOSPITAL AND PHYSICIAN CHARGES AND ASK FOR AN ESTIMATE OF HOSPITAL~~  
14 ~~CHARGES BEFORE CARE IS PROVIDED;~~

15 ~~(18) ACCESS THE PATIENT'S MEDICAL RECORDS;~~

16 ~~(19) REFUSE CONSENT FOR RECORDING OR IMAGES TO BE MADE FOR~~  
17 ~~PURPOSES OTHER THAN PATIENT CARE;~~

18 ~~(20) DISCUSS AN ETHICAL ISSUE RELATED TO THE PATIENT'S CARE~~  
19 ~~WITH A MEMBER OF THE HOSPITAL'S ETHICS SERVICES;~~

20 ~~(21) ACCESS SPIRITUAL SERVICES; AND~~

21 ~~(22) FILE A COMPLAINT ABOUT CARE AND HAVE ACCESS TO A~~  
22 ~~GRIEVANCE PROCESS.~~

23 (1) PATIENT PRIVACY AND CONFIDENTIALITY;

24 (2) INFORMED DECISION MAKING AND INFORMED CONSENT;

25 (3) VISITATION;

26 (4) ADVANCE DIRECTIVES;

27 (5) ACCESS TO PATIENT MEDICAL RECORDS;

28 (6) COMPLAINT AND GRIEVANCE PROCESSES;

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**(7) FREEDOM FROM:**

**(I) PHYSICAL OR MENTAL ABUSE;**

**(II) NEGLIGENCE;**

**(III) HARASSMENT; AND**

**(IV) MISTREATMENT; AND**

**(8) COMMUNICATION IN A MANNER THE PATIENT CAN UNDERSTAND.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
October 1, 2018.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.