

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 981  
Finance

(Senator Muse, *et al.*)

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Hospitals - Discharge of Patients - Emergency Medical Conditions and Extreme  
Temperatures (Rebecca's Law)

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This bill prohibits a hospital from discharging a patient into “extreme outdoor temperatures” when an employee of the hospital has reason to believe that the patient (1) is suffering from an “emergency medical condition” and (2) lacks the physical or mental capacity to seek shelter, without assistance, from the “extreme outdoor temperatures.”

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Fiscal Summary

**State Effect:** The bill is not anticipated to impact State operations or finances.

**Local Effect:** The bill is not anticipated to impact local government operations or finances.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** “Extreme outdoor temperatures” means an outdoor temperature below 40°F or above 90°F. “Emergency medical condition,” as defined under the bill by reference to the federal Emergency Medical Treatment and Active Labor Act (more commonly known as EMTALA), means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that the absence of immediate medical attention could result in (1) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy; (2) serious impairment to bodily functions; or (3) serious dysfunction of any bodily organ or part. With respect to a pregnant woman who is having contractions, emergency medical condition means that there is *inadequate time* to safely transfer the pregnant woman to

another hospital before delivery or that transfer may pose a threat to the health or safety of the woman or the unborn child.

A person who violates the bill's prohibition is guilty of a misdemeanor and on conviction is subject to a fine of up to \$5,000, imprisonment for up to 90 days, or both. An individual who suffers an injury as a result of a person violating the bill's prohibition may recover civil damages from the person and from any other person who knowingly participated in the violation.

**Current Law:** Generally, a hospital may discharge a patient (1) entirely; (2) to another level of care, treatment, or services; (3) to different health professionals; or (4) to settings for continued services. A hospital's process for transfer or discharge must be based on a patient's assessed needs.

To facilitate discharge or transfer, the hospital must (1) assess a patient's needs; (2) plan for discharge or transfer; (3) facilitate the discharge or transfer process; (4) give the patient or person responsible for providing continuing care to the patient written discharge instructions in a form the patient can understand; and (5) help to ensure that continuity of care, treatment, and services is maintained.

If a hospital fails to comply with the discharge requirements, the Secretary of Health may impose a civil money penalty of up to \$10,000 for each failure to comply. A hospital may appeal a civil money penalty in accordance with specified provisions of the State Government Article.

**Background:** In January 2018, a woman, subsequently identified as "Rebecca," was left outside the University of Maryland Medical Center Midtown Campus visibly disoriented and wearing only a patient gown and socks. At the time, temperatures were reported to be in the 30s. The Office of Health Care Quality and the federal Centers for Medicare and Medicaid Services are investigating the incident.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** *Baltimore Sun*; Maryland Department of Health; Baltimore City; Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2018  
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