

SENATE BILL 301

J3
HB 562/18 – HGO

9lr0456
CF HB 145

By: **Senators Benson, Carter, Feldman, King, Klausmeier, Lam, Lee, Nathan–Pulliam, Smith, Washington, ~~and Young~~ Young, and Hayes**

Introduced and read first time: January 30, 2019

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2019

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of requiring each administrator of a hospital to provide patients with a
4 certain patient’s bill of rights; requiring each administrator of a hospital to provide
5 certain patients with a translator, an interpreter, or another accommodation to
6 provide certain assistance to patients; requiring each administrator of a hospital to
7 conspicuously post copies of the patient’s bill of rights on the hospital’s website and
8 in areas of the hospital accessible to patients and visitors; requiring each
9 administrator of a hospital to provide annual training to certain staff members to
10 ensure the staff’s knowledge and understanding of the patient’s bill of rights;
11 requiring a certain statement to be written in plain language; altering the rights
12 that are required to be included in a patient’s bill of rights; requiring the Office of
13 Health Care Quality to monitor certain compliance; requiring the Office to report to
14 the General Assembly on or before a certain date ~~each year~~; declaring the intent of
15 the General Assembly; defining a certain term; making a technical change; and
16 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 2018 Supplement)

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) PROVIDE to each patient in the hospital a WRITTEN copy of the
15 patient’s bill of rights that [the]:

16 (I) THE hospital adopts under [the] Joint Commission [on
17 Accreditation of Hospitals’] guidelines OR GUIDELINES ISSUED BY A NATIONALLY
18 RECOGNIZED HOSPITAL ACCREDITATION ORGANIZATION APPROVED BY THE
19 CENTERS FOR MEDICARE AND MEDICAID SERVICES CONDITIONS OF
20 PARTICIPATION; AND

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

22 (2) IF A PATIENT DOES NOT SPEAK ENGLISH, OR 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;

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~~ THAT ARE ACCESSIBLE TO PATIENTS
30 AND VISITORS, WHICH MAY INCLUDE ADMITTING OFFICES, PATIENT FLOORS,
31 PATIENT ROOMS, THE OUTPATIENT DEPARTMENT, AND EMERGENCY SERVICES
32 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, **IN**
5 **PLAIN LANGUAGE**, that a patient has a right to [expect and receive appropriate
6 assessment, management, and treatment of pain as an integral component of the patient's
7 care]:

8 **(1) RECEIVE CONSIDERATE, RESPECTFUL, AND COMPASSIONATE**
9 **CARE;**

10 **(2) BE PROVIDED CARE IN A SAFE ENVIRONMENT FREE FROM ALL**
11 **FORMS OF ABUSE AND NEGLECT, INCLUDING VERBAL, MENTAL, PHYSICAL, AND**
12 **SEXUAL ABUSE;**

13 **(3) HAVE A MEDICAL SCREENING EXAM AND BE PROVIDED**
14 **STABILIZING TREATMENT FOR EMERGENCY MEDICAL CONDITIONS AND LABOR;**

15 **(4) BE FREE FROM RESTRAINTS AND SECLUSION UNLESS NEEDED**
16 **FOR SAFETY;**

17 **(5) BE TOLD THE NAMES AND JOBS OF THE HEALTH CARE TEAM**
18 **MEMBERS INVOLVED IN THE PATIENT'S CARE IF STAFF SAFETY IS NOT A CONCERN;**

19 **(6) HAVE RESPECT SHOWN FOR THE PATIENT'S PERSONAL VALUES,**
20 **BELIEFS, AND WISHES;**

21 **(7) BE TREATED WITHOUT DISCRIMINATION BASED ON RACE, COLOR,**
22 **NATIONAL ORIGIN, ETHNICITY, AGE, GENDER, SEXUAL ORIENTATION, GENDER**
23 **IDENTITY OR EXPRESSION, PHYSICAL OR MENTAL DISABILITY, RELIGION,**
24 **LANGUAGE, OR ABILITY TO PAY;**

25 **(8) BE PROVIDED A LIST OF PROTECTIVE AND ADVOCACY SERVICES**
26 **WHEN NEEDED;**

27 **(9) RECEIVE INFORMATION ABOUT THE PATIENT'S HOSPITAL AND**
28 **PHYSICIAN CHARGES AND ASK FOR AN ESTIMATE OF HOSPITAL CHARGES BEFORE**
29 **CARE IS PROVIDED AND AS LONG AS PATIENT CARE IS NOT IMPEDED;**

30 **(10) RECEIVE INFORMATION IN A MANNER THAT IS UNDERSTANDABLE**
31 **BY THE PATIENT, WHICH MAY INCLUDE:**

32 **(i) SIGN AND FOREIGN LANGUAGE INTERPRETERS;**

1 (II) ALTERNATIVE FORMATS, INCLUDING LARGE PRINT,
2 BRAILLE, AUDIO RECORDINGS, AND COMPUTER FILES; AND

3 (III) VISION, SPEECH, HEARING, AND OTHER TEMPORARY AIDS
4 AS NEEDED, WITHOUT CHARGE;

5 (11) RECEIVE INFORMATION FROM THE PATIENT'S DOCTOR OR
6 ~~HEALTH CARE TEAM MEMBER~~ OTHER HEALTH CARE PRACTITIONERS ABOUT THE
7 PATIENT'S DIAGNOSIS, PROGNOSIS, TEST RESULTS, POSSIBLE OUTCOMES OF CARE,
8 AND UNANTICIPATED OUTCOMES OF CARE;

9 (12) ACCESS THE PATIENT'S MEDICAL RECORDS IN ACCORDANCE
10 WITH HIPAA NOTICE OF PRIVACY PRACTICES;

11 (13) BE INVOLVED IN THE PATIENT'S PLAN OF CARE;

12 (14) ~~HAVE PAIN MANAGED~~ BE SCREENED, ASSESSED, AND TREATED
13 FOR PAIN;

14 (15) REFUSE CARE;

15 (16) ~~HAVE~~ IN ACCORDANCE WITH HOSPITAL VISITATION POLICIES,
16 HAVE AN INDIVIDUAL OF THE PATIENT'S CHOICE REMAIN WITH THE PATIENT FOR
17 EMOTIONAL SUPPORT DURING THE PATIENT'S HOSPITAL STAY, CHOOSE THE
18 INDIVIDUALS WHO MAY VISIT THE PATIENT, AND CHANGE THE PATIENT'S MIND
19 ABOUT THE INDIVIDUALS WHO MAY VISIT;

20 (17) APPOINT AN INDIVIDUAL OF THE PATIENT'S CHOICE TO MAKE
21 HEALTH CARE DECISIONS FOR THE PATIENT, IF THE PATIENT IS UNABLE TO DO SO;

22 (18) MAKE OR CHANGE AN ADVANCE DIRECTIVE;

23 (19) GIVE INFORMED CONSENT BEFORE ANY NONEMERGENCY CARE IS
24 PROVIDED, INCLUDING THE BENEFITS AND RISKS OF THE CARE, ALTERNATIVES TO
25 THE CARE, AND THE BENEFITS AND RISKS OF THE ALTERNATIVES TO THE CARE;

26 (20) AGREE OR REFUSE TO TAKE PART IN MEDICAL RESEARCH
27 STUDIES, WITHOUT THE AGREEMENT OR REFUSAL AFFECTING THE PATIENT'S CARE;

28 (21) ALLOW OR REFUSE TO ALLOW PICTURES OF THE PATIENT FOR
29 PURPOSES OTHER THAN THE PATIENT'S CARE;

1 **(22) EXPECT PRIVACY AND CONFIDENTIALITY IN CARE DISCUSSIONS**
2 **AND TREATMENTS;**

3 **(23) BE PROVIDED A COPY OF THE HEALTH INSURANCE PORTABILITY**
4 **AND ACCOUNTABILITY ACT NOTICE OF PRIVACY PRACTICES; AND**

5 **(24) FILE A COMPLAINT ABOUT CARE AND HAVE THE COMPLAINT**
6 **REVIEWED WITHOUT THE COMPLAINT AFFECTING THE PATIENT’S CARE.**

7 **(E) THE OFFICE OF HEALTH CARE QUALITY SHALL MONITOR THE**
8 **COMPLIANCE OF EACH HOSPITAL WITH THE REQUIREMENTS OF THIS SECTION.**

9 ~~**(F) ON OR BEFORE JANUARY 1 EACH YEAR, THE OFFICE OF HEALTH CARE**~~
10 ~~**QUALITY SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH §**~~
11 ~~**2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE COMPLIANCE OF HOSPITALS**~~
12 ~~**WITH THE REQUIREMENTS OF THIS SECTION.**~~

13 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2021,
14 the Maryland Department of Health shall report to the General Assembly, in accordance
15 with § 2-1246 of the State Government Article, on the compliance of hospitals with the
16 requirements of this Act.

17 SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2019.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.