

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 113 (Delegate Grammer)
Health and Government Operations

Hospitals - Patient's Bill of Rights - Minor Patients

This bill requires a hospital's patient's bill of rights to include a statement, in plain language, that unless a provision of federal or State law allows the minor patient to consent to medical treatment, the minor's parent or guardian has full health care decision making authority. This authority includes the choice to transfer the minor patient to a different health care provider or facility.

Fiscal Summary

State Effect: The bill's requirements can be handled within existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapters 285 and 286 of 2019 established the patient's bill of rights to promote health, safety, and well-being of patients and to foster better communication between patients and health care providers. The patient's bill of rights specifies the patient should expect ethical and humane treatment while at the hospital.

A hospital administrator must provide each patient (including inpatient, outpatient, and emergency services) with a written copy of the hospital's patient's bill of rights adopted under Joint Commission guidelines or guidelines issued by a nationally recognized hospital accreditation organization approved by the federal Centers for Medicare and Medicaid

Services' conditions of participation. If a patient does not speak English or requires the patient's bill of rights in an alternative format, then a translator, interpreter, or other accommodation must be provided. Copies of the patient's bill of rights must be conspicuously posted on the hospital's website and in areas of the hospital accessible to patients and visitors. A hospital administrator must provide annual training to all patient care staff members to ensure the staff's knowledge and understanding of the patient's bill of rights. The Office of Health Care Quality monitors the compliance of each hospital with the patient's bill or rights requirements.

Consent of a Minor to Medical Treatment

In Maryland, a minor has the same capacity as an adult to consent to treatment or advice about (1) drug abuse; (2) alcoholism; (3) venereal disease; (4) pregnancy; (5) contraception other than sterilization; (6) examination and treatment of injuries from an alleged rape or sexual offense; (7) treatment for HIV; and (8) examination after admission into a detention center. In an emergency situation, a minor also has the right to consent to medical treatment if their parent or legal guardian is unavailable.

Additionally, a minor can consent to medical or dental treatment if the minor is (1) married; (2) a parent; or (3) living separate and apart from their parent or guardian and self-supporting, regardless of the source of their income.

Additional Comments: Although no State funds are affected, in a prior year, the University of Maryland Medical System (UMMS) advised that replacing patient's bill of rights signage would cost approximately \$145,000 (\$25,000 combined for its two downtown campuses and approximately \$10,000 each at UMMS' 12 other hospitals). Similar costs can be expected to update the patient's bill of rights to include provisions pertaining to minors. Additional expenditures may be required to revise and print a new patient's bill of rights. Other hospitals likely face similar expenditures.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): University of Maryland Medical System; Maryland Department of Health; Department of Legislative Services

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