

# HOUSE BILL 276

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(PRE-FILED)

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By: **Delegate Henson**

Requested: October 26, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Congregate Care Facilities – Visitation**

3 FOR the purpose of requiring a congregate care facility to allow a patient's or resident's  
4 family member to visit the patient or resident except under certain circumstances;  
5 requiring a congregate care facility to allow for a certain means of communication  
6 with the patient or resident if the congregate care facility makes a certain  
7 determination; requiring the Maryland Department of Health to adopt certain  
8 regulations; defining a certain term; and generally relating to visitation and  
9 congregate care facilities.

10 BY adding to

11 Article – Health – General

12 Section 6–301 to be under the new subtitle “Subtitle 3. Visitation in Congregate Care  
13 Facilities”

14 Annotated Code of Maryland

15 (2019 Replacement Volume and 2020 Supplement)

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

18 **Article – Health – General**

19 **SUBTITLE 3. VISITATION IN CONGREGATE CARE FACILITIES.**

20 **6–301.**

21 **(A) IN THIS SECTION, “CONGREGATE CARE FACILITY” MEANS:**

22 **(1) A NURSING FACILITY, AS DEFINED IN § 19–301 OF THIS ARTICLE;**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1           **(2)**    **A RESIDENTIAL TREATMENT CENTER, AS DEFINED IN § 19-301 OF**  
2 **THIS ARTICLE;**
- 3           **(3)**    **A RELATED INSTITUTION, AS DEFINED IN § 19-301 OF THIS**  
4 **ARTICLE;**
- 5           **(4)**    **A HOME HEALTH AGENCY, AS DEFINED IN § 19-401 OF THIS**  
6 **ARTICLE;**
- 7           **(5)**    **A NURSING HOME, AS DEFINED IN § 19-1401 OF THIS ARTICLE;**
- 8           **(6)**    **A HOSPICE FACILITY REGULATED UNDER TITLE 19, SUBTITLE 9**  
9 **OF THIS ARTICLE;**
- 10          **(7)**    **AN ASSISTED LIVING PROGRAM FACILITY REGULATED UNDER**  
11 **TITLE 19, SUBTITLE 18 OF THIS ARTICLE;**
- 12          **(8)**    **A HOSPITAL, AS DEFINED IN TITLE 19, SUBTITLE 3 OF THIS**  
13 **ARTICLE;**
- 14          **(9)**    **A LIMITED SERVICE HOSPITAL, AS DEFINED IN TITLE 19,**  
15 **SUBTITLE 3 OF THIS ARTICLE;**
- 16          **(10)**   **AN AMBULATORY SURGICAL FACILITY;**
- 17          **(11)**   **AN INPATIENT FACILITY THAT IS ORGANIZED PRIMARILY TO HELP**  
18 **IN THE REHABILITATION OF DISABLED INDIVIDUALS THROUGH AN INTEGRATED**  
19 **PROGRAM OF MEDICAL AND OTHER SERVICES PROVIDED UNDER COMPETENT**  
20 **PROFESSIONAL SUPERVISION; OR**
- 21          **(12)**   **A FREESTANDING MEDICAL FACILITY, AS DEFINED IN § 19-3A-01**  
22 **OF THIS ARTICLE.**
- 23          **(B)**    **(1)**    **A CONGREGATE CARE FACILITY SHALL ALLOW A PATIENT'S OR**  
24 **RESIDENT'S FAMILY MEMBER TO VISIT THE PATIENT OR RESIDENT, UNLESS THE**  
25 **FACILITY REASONABLY DETERMINES THAT THE PRESENCE OF A PARTICULAR**  
26 **VISITOR WOULD ENDANGER THE HEALTH OR SAFETY OF A PATIENT, RESIDENT, OR**  
27 **MEMBER OF THE FACILITY STAFF.**
- 28          **(2)**    **IF A CONGREGATE CARE FACILITY DETERMINES THAT AN**  
29 **IN-PERSON VISIT WOULD ENDANGER THE HEALTH AND SAFETY OF A PATIENT,**  
30 **RESIDENT, OR MEMBER OF THE FACILITY STAFF, THE FACILITY SHALL ALLOW FOR**

1 AN ALTERNATIVE MEANS OF COMMUNICATION WITH THE FAMILY MEMBER,  
2 INCLUDING THE USE OF AUDIO OR VIDEO CALLS.

3 (C) THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS  
4 SECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2021.