

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1379 (Delegate Cox, *et al.*)  
Health and Government Operations

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Hospitals, Related Institutions, and Hospice Facilities - COVID-19 and Other  
Catastrophic Health Emergencies - Visitation

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This bill prohibits a hospital, related institution, or hospice facility from restricting the ability of a patient’s family member or health care agent to visit the patient based on measures implemented to reduce the spread of COVID-19 or any disease that constitutes a catastrophic health emergency. The Maryland Department of Health (MDH) may develop guidelines regarding the use of personal protective equipment by a family member or health care agent if the patient is actively infected with COVID-19 or any disease that constitutes a catastrophic health emergency.

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Fiscal Summary

**State Effect:** MDH can develop guidelines with existing budgeted resources. To the extent that hospitals, related institutions, or hospice facilities are noncompliant with federal infection control and visitation standards, federal funding may be at risk, as discussed below.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** “Hospital” means an institution that (1) has a group of at least five physicians who are organized as a medical staff for the institution; (2) maintains facilities to provide, under the supervision of the medical staff, diagnostic and treatment

services for two or more unrelated individuals; and (3) admits or retains the individuals for overnight care.

A “related institution” is an organized institution, environment, or home that (1) maintains conditions or facilities and equipment to provide domiciliary, personal, or nursing care for two or more unrelated individuals who are dependent on the administrator, operator, or proprietor for nursing care or the subsistence of daily living in a safe, sanitary, and healthful environment and (2) admits or retains the individuals for overnight care.

A hospice facility is a facility that (1) provides a hospice care program; (2) is separate from any other facility; and (3) admits at least two individuals who are unrelated and have no reasonable prospect of a cure.

The Public Safety Article authorizes the Governor to issue a proclamation declaring the existence of a catastrophic health emergency. “Catastrophic health emergency” means a situation in which extensive loss of life or serious disability is threatened imminently because of exposure to a deadly agent, including a viral agent capable of causing extensive loss of life or serious disability. The Governor must rescind the proclamation whenever the Governor determines that the catastrophic health emergency no longer exists.

Chapter 789 of 2021 required MDH to develop guidelines relating to restrictions on visitation that a nursing home may impose to reduce the spread of COVID-19 or another disease that constitutes a catastrophic health emergency.

**State Fiscal Effect:** MDH advises that health care facilities receiving federal Medicare or Medicaid funding are required to meet Centers for Medicare and Medicaid Services (CMS) guidelines for COVID-19 infection control and visitation. If hospitals, related institutions, or hospice facilities are noncompliant with CMS standards, the facilities risk losing federal funding.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland Department of Health; Maryland Association of County Health Officers; Department of Legislative Services

**Fiscal Note History:** First Reader - March 10, 2022  
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