

HOUSE BILL 534

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By: **Chair, Health and Government Operations Committee (By Request –
Departmental – Emergency Management Agency, Maryland)**

Introduced and read first time: January 29, 2014

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Intrastate Hospital Assistance Compact**

3 FOR the purpose of establishing the Maryland Intrastate Hospital Assistance
4 Compact; establishing the requirements for entering into the Compact;
5 providing for the purpose of the Compact; establishing the procedures by which
6 a hospital may submit a request for assistance under the Compact; requiring a
7 Compact hospital and the Office of Preparedness and Response at the
8 Department of Health and Mental Hygiene to provide certain notifications
9 under certain circumstances; requiring Compact hospitals to communicate
10 directly with each other; requiring certain State agencies and local officials to
11 participate in certain consultations and to provide assistance as needed;
12 requiring that the Maryland Institute for Emergency Medical Services Systems
13 be consulted on patient transfers; requiring that a Compact hospital that
14 receives a request for assistance take certain actions; requiring that an
15 employee of a Compact hospital that responds to a request for assistance have
16 certain powers, duties, rights, and privileges as certain other employees;
17 requiring that a licensed physician be credentialed in accordance with certain
18 regulations under certain circumstances; providing for the conditions under
19 which the provisions of the Compact may take effect and remain in effect;
20 requiring an employee of a Compact hospital that is rendering services be
21 considered an agent of the Compact hospital that is requesting services for tort
22 liability and immunity purposes; providing that a Compact hospital or its
23 employees may not be liable for certain acts or omissions under certain
24 circumstances; providing that the Compact does not preclude a Compact
25 hospital from entering into supplementary agreements with other Compact
26 hospitals; requiring a certain Compact hospital to provide certain expenses and
27 benefits; requiring that a responding Compact hospital be reimbursed under
28 certain conditions; authorizing a Compact hospital to establish a supplemental
29 agreement for reimbursement; requiring a Compact hospital to submit a record
30 of expenses; authorizing a Compact hospital to withdraw from the Compact;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 specifying that a withdrawal from the Compact will not relieve the withdrawing
2 Compact hospital from certain obligations; requiring that authenticated copies
3 of certain agreements be retained by each Compact hospital and the Office of
4 Preparedness and Response at the Department of Health and Mental Hygiene;
5 providing for the severability of a provision of the Compact that is found to be
6 invalid by a court of competent jurisdiction; defining certain terms; and
7 generally relating to the Maryland Intrastate Hospital Assistance Compact.

8 BY adding to

9 Article – Public Safety

10 Section 14–8B–01 through 14–8B–03 to be under the new subtitle “Subtitle 8B.
11 Intrastate Hospital Assistance Compact”

12 Annotated Code of Maryland

13 (2011 Replacement Volume and 2013 Supplement)

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

16 **Article – Public Safety**

17 **SUBTITLE 8B. INTRASTATE HOSPITAL ASSISTANCE COMPACT.**

18 **14–8B–01.**

19 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(B) “ARTICLE” MEANS AN ARTICLE OF THE COMPACT ESTABLISHED**
22 **UNDER § 14–8B–03 OF THIS SUBTITLE.**

23 **(C) “COMPACT” MEANS THE MARYLAND INTRASTATE HOSPITAL**
24 **ASSISTANCE COMPACT UNDER § 14–8B–03 OF THIS SUBTITLE.**

25 **(D) “COMPACT HOSPITAL” MEANS A HOSPITAL THAT HAS ENTERED**
26 **INTO THE COMPACT.**

27 **(E) “COMPACT REPRESENTATIVE” MEANS AN EMPLOYEE THAT IS**
28 **AUTHORIZED BY A COMPACT HOSPITAL TO REQUEST, OFFER, OR PROVIDE**
29 **ASSISTANCE UNDER THE TERMS OF THE COMPACT.**

30 **(F) “COMPACT REPRESENTATIVE ALTERNATE” MEANS AN EMPLOYEE**
31 **AUTHORIZED BY A COMPACT HOSPITAL TO ACT ON BEHALF OF THE HOSPITAL IF**
32 **THE COMPACT REPRESENTATIVE IS UNAVAILABLE.**

1 **(A) THE PURPOSE OF THE COMPACT IS TO PROVIDE FOR MUTUAL**
2 **ASSISTANCE AMONG THE HOSPITALS ENTERING INTO THE COMPACT TO**
3 **MANAGE A SIGNIFICANT OCCURRENCE.**

4 **(B) THE COMPACT ALSO SHALL PROVIDE FOR MUTUAL COOPERATION**
5 **IN SIGNIFICANT OCCURRENCE-RELATED EXERCISES, TESTING, OR OTHER**
6 **TRAINING ACTIVITIES USING EQUIPMENT OR PERSONNEL SIMULATING**
7 **PERFORMANCE OF ANY ASPECT OF THE GIVING AND RECEIVING OF AID BY**
8 **COMPACT HOSPITALS DURING EMERGENCIES.**

9 **ARTICLE 2. REQUESTS FOR ASSISTANCE.**

10 **(A) (1) IF A COMPACT HOSPITAL EXPERIENCES A SIGNIFICANT**
11 **OCCURRENCE, THE COMPACT REPRESENTATIVE OR COMPACT**
12 **REPRESENTATIVE ALTERNATE MAY REQUEST ASSISTANCE FROM ANOTHER**
13 **COMPACT HOSPITAL.**

14 **(2) A REQUEST FOR ASSISTANCE UNDER THIS ARTICLE SHALL BE**
15 **MADE BY CONTACTING EITHER THE RESOURCE CENTER OR BY CONTACTING A**
16 **COMPACT HOSPITAL DIRECTLY.**

17 **(B) IF A COMPACT HOSPITAL REQUESTS ASSISTANCE DIRECTLY FROM**
18 **ANOTHER COMPACT HOSPITAL, THE COMPACT HOSPITAL SEEKING ASSISTANCE**
19 **IMMEDIATELY SHALL NOTIFY THE RESOURCE CENTER IN ORDER TO INVOKE**
20 **THE TERMS OF THE COMPACT.**

21 **(C) (1) IF THE RESOURCE CENTER RECEIVES A REQUEST FOR**
22 **ASSISTANCE UNDER THIS ARTICLE, THE RESOURCE CENTER IMMEDIATELY**
23 **SHALL NOTIFY THE OFFICE OF PREPAREDNESS AND RESPONSE, THE**
24 **MARYLAND EMERGENCY MANAGEMENT AGENCY, AND LOCAL HEALTH AND**
25 **EMERGENCY MANAGEMENT AGENCIES.**

26 **(2) IF A COMPACT HOSPITAL HAS NOT ALREADY DONE SO, THE**
27 **OFFICE OF PREPAREDNESS AND RESPONSE SHALL:**

28 **(i) COORDINATE WITH LOCAL OFFICIALS, THE MARYLAND**
29 **INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS, AND THE**
30 **MARYLAND EMERGENCY MANAGEMENT AGENCY TO CONVEY THE REQUEST**
31 **FOR ASSISTANCE FROM COMPACT HOSPITALS; AND**

32 **(ii) NOTIFY THE COMPACT HOSPITAL THAT IS SEEKING**
33 **ASSISTANCE OF THE NAME OF THE COMPACT HOSPITAL THAT HAS AGREED TO**

1 RESPOND TO THE REQUEST OR THE NAMES OF COMPACT HOSPITALS THAT ARE
2 ABLE TO RESPOND TO THE REQUEST.

3 (3) (I) AFTER THE NOTIFICATIONS HAVE BEEN MADE BY THE
4 OFFICE OF PREPAREDNESS AND RESPONSE UNDER PARAGRAPH (2) OF THIS
5 SUBSECTION, THE COMPACT HOSPITALS SHALL COMMUNICATE DIRECTLY WITH
6 EACH OTHER.

7 (II) THE OFFICE OF PREPAREDNESS AND RESPONSE, THE
8 MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS, THE
9 MARYLAND EMERGENCY MANAGEMENT AGENCY, AND LOCAL OFFICIALS SHALL
10 PROVIDE ADDITIONAL ASSISTANCE AS MAY BE REQUIRED.

11 (D) THE PROVISIONS OF THE COMPACT SHALL APPLY ONLY TO
12 REQUESTS FOR ASSISTANCE MADE BY AND TO A COMPACT REPRESENTATIVE OR
13 A COMPACT REPRESENTATIVE ALTERNATE.

14 (E) (1) REQUESTS FOR ASSISTANCE MAY BE ORAL OR IN WRITING.

15 (2) IF A REQUEST IS MADE ORALLY, THE REQUEST SHALL BE
16 CONFIRMED IN WRITING AT THE EARLIEST POSSIBLE DATE BUT NO LATER THAN
17 10 CALENDAR DAYS FOLLOWING THE ORAL REQUEST.

18 (3) REQUESTS SHALL PROVIDE:

19 (I) A DESCRIPTION OF THE ASSISTANCE NEEDED, WHICH
20 MAY INCLUDE PERSONNEL, EQUIPMENT, MEDICINE, SUPPLIES, AND RECEIVING
21 TRANSFERRED PATIENTS;

22 (II) THE AMOUNT AND TYPE OF PERSONNEL, EQUIPMENT,
23 MEDICINE, AND SUPPLIES AND THE NUMBER OF PATIENTS TO BE
24 TRANSFERRED;

25 (III) A REASONABLE ESTIMATE OF THE LENGTH OF TIME THE
26 ASSISTANCE WILL BE NEEDED; AND

27 (IV) THE LOCATION OF THE ARRIVAL OF RESOURCES FROM
28 THE HOSPITAL PROVIDING ASSISTANCE AND THE POINT OF CONTACT AT THAT
29 LOCATION.

30 (F) LOCAL OFFICIALS, THE OFFICE OF PREPAREDNESS AND
31 RESPONSE, THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES
32 SYSTEMS, THE MARYLAND EMERGENCY MANAGEMENT AGENCY, AND THE

1 APPROPRIATE REPRESENTATIVES OF THE COMPACT HOSPITALS SHALL
2 CONSULT FREQUENTLY, WITH FREE EXCHANGE OF INFORMATION AND PLANS
3 GENERALLY RELATING TO CAPABILITIES FOR RESPONDING TO A SIGNIFICANT
4 OCCURRENCE.

5 (G) A PATIENT TRANSFER UNDER THE COMPACT SHALL BE
6 COORDINATED IN CONSULTATION WITH THE MARYLAND INSTITUTE FOR
7 EMERGENCY MEDICAL SERVICES SYSTEMS.

8 ARTICLE 3. LIMITATIONS.

9 (A) (1) A COMPACT HOSPITAL THAT RECEIVES A REQUEST FOR
10 ASSISTANCE SHALL TAKE ACTIONS NECESSARY TO PROVIDE THE REQUESTED
11 RESOURCES.

12 (2) A COMPACT HOSPITAL MAY WITHHOLD RESOURCES TO THE
13 EXTENT NECESSARY TO PROVIDE REASONABLE PROTECTION TO ITS OWN
14 PATIENTS.

15 (B) (1) AN EMPLOYEE OF A COMPACT HOSPITAL THAT IS
16 RESPONDING TO A REQUEST FOR ASSISTANCE UNDER THE COMPACT SHALL
17 HAVE THE SAME POWERS, DUTIES, RIGHTS, AND PRIVILEGES AS AN EMPLOYEE
18 THAT PERFORMS THE SAME FUNCTION AT THE COMPACT HOSPITAL THAT HAS
19 REQUESTED ASSISTANCE.

20 (2) A LICENSED PHYSICIAN THAT IS SENT TO A COMPACT
21 HOSPITAL REQUESTING ASSISTANCE UNDER ARTICLE 2 OF THE COMPACT
22 SHALL BE CREDENTIALLED IN ACCORDANCE WITH DEPARTMENT OF HEALTH
23 AND MENTAL HYGIENE REGULATIONS GOVERNING DISASTER PRIVILEGES.

24 (C) (1) THE PROVISIONS OF THE COMPACT SHALL TAKE EFFECT
25 ONLY:

26 (I) SUBSEQUENT TO A NOTIFICATION TO THE RESOURCE
27 CENTER OF A SIGNIFICANT OCCURRENCE BY A COMPACT HOSPITAL; OR

28 (II) ON COMMENCEMENT OF EXERCISES, TESTING, OR
29 TRAINING FOR MUTUAL AID.

30 (2) THE PROVISIONS OF THIS ARTICLE SHALL CONTINUE AS
31 LONG AS:

