

# HOUSE BILL 587

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By: **Delegates K. Young, Luedtke, and A. Miller**

Introduced and read first time: February 3, 2016

Assigned to: Health and Government Operations

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## A BILL ENTITLED

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 or an interpreter to provide certain assistance to  
6 the patients; requiring each administrator of a hospital to conspicuously post copies  
7 of the patient’s bill of rights in certain areas of the hospital; requiring each  
8 administrator of a hospital to provide annual training to certain staff to ensure the  
9 staff’s knowledge and understanding of the patient’s bill of rights; altering the rights  
10 that must be included in the patient’s bill of rights; declaring the intent of the  
11 General Assembly; defining a certain term; and generally relating to hospitals and  
12 patient’s bill of rights.

13 BY repealing and reenacting, with amendments,

14 Article – Health – General  
15 Section 19–342  
16 Annotated Code of Maryland  
17 (2015 Replacement Volume)

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

20 **Article – Health – General**

21 19–342.

22 **(A) IN THIS SECTION, “PATIENT” INCLUDES AN INPATIENT, AN OUTPATIENT,**  
23 **AND AN EMERGENCY SERVICES PATIENT.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) THE GENERAL ASSEMBLY INTENDS TO PROMOTE THE HEALTH, SAFETY,**  
2 **AND WELL-BEING OF PATIENTS AND TO FOSTER BETTER COMMUNICATION**  
3 **BETWEEN PATIENTS AND HEALTH CARE PROVIDERS IN HOSPITALS THROUGH THE**  
4 **USE OF A PATIENT’S BILL OF RIGHTS THAT REQUIRES THE ETHICAL AND HUMANE**  
5 **TREATMENT OF PATIENTS BY HOSPITALS.**

6           **[(a)] (C) Each administrator of a hospital [is responsible for making available]**  
7 **SHALL:**

8           **(1) PROVIDE** to each patient in the hospital a **WRITTEN** copy of the  
9 patient’s bill of rights that **[the]:**

10                   **(I) THE** hospital adopts under the Joint Commission on  
11 Accreditation of Hospitals’ guidelines; **AND**

12                           **(II) COMPLIES WITH SUBSECTION (D) OF THIS SECTION;**

13           **(2) IF A PATIENT DOES NOT SPEAK ENGLISH, PROVIDE A**  
14 **TRANSLATOR OR AN INTERPRETER TO ASSIST THE PATIENT IN UNDERSTANDING**  
15 **AND EXERCISING THE RIGHTS INCLUDED IN THE PATIENT’S BILL OF RIGHTS;**

16           **(3) CONSPICUOUSLY POST COPIES OF THE PATIENT’S BILL OF RIGHTS**  
17 **IN AREAS OF THE HOSPITAL ACCESSIBLE BY PATIENTS, INCLUDING IN THE**  
18 **ADMITTING OFFICE, PATIENT FLOORS, OUTPATIENT DEPARTMENT, AND**  
19 **EMERGENCY SERVICES WAITING AREAS; AND**

20           **(4) PROVIDE ANNUAL TRAINING TO ALL PATIENT CARE STAFF TO**  
21 **ENSURE THE STAFF’S KNOWLEDGE AND UNDERSTANDING OF THE PATIENT’S BILL**  
22 **OF RIGHTS.**

23           **[(b)] (D) The patient’s bill of rights shall include a statement that a patient has**  
24 **a right to [expect]:**

25                   **(1) RECEIVE TREATMENT WITHOUT DISCRIMINATION AS TO RACE,**  
26 **COLOR, RELIGION, SEX, NATIONAL ORIGIN, DISABILITY, SEXUAL ORIENTATION,**  
27 **GENDER IDENTITY, AGE, OR SOURCE OF PAYMENT;**

28                   **(2) RECEIVE CONSIDERATE, RESPECTFUL, AND COMPASSIONATE**  
29 **CARE IN A CLEAN AND SAFE ENVIRONMENT FREE OF UNNECESSARY RESTRAINTS**  
30 **AND FREE FROM ALL FORMS OF ABUSE, NEGLIGENCE, OR MISTREATMENT;**

31                   **(3) RECEIVE EMERGENCY CARE FOR ANY MEDICAL CONDITION THAT**  
32 **WILL DETERIORATE FROM FAILURE TO PROVIDE PROMPT TREATMENT;**

1           **(4) BE INFORMED OF THE NAME AND POSITION OF THE DOCTOR WHO**  
2 **WILL BE IN CHARGE OF THE PATIENT'S CARE IN THE HOSPITAL;**

3           **(5) KNOW THE NAMES, POSITIONS, AND FUNCTIONS OF ANY OTHER**  
4 **HOSPITAL STAFF INVOLVED IN THE PATIENT'S CARE;**

5           **(6) RECEIVE COMPLETE AND CURRENT INFORMATION ABOUT THE**  
6 **PATIENT'S DIAGNOSIS, TREATMENT, RISKS, AND PROGNOSIS;**

7           **(7) RECEIVE A PROMPT AND REASONABLE RESPONSE TO QUESTIONS**  
8 **OR REQUESTS;**

9           **(8) RECEIVE ALL INFORMATION NEEDED TO GIVE INFORMED**  
10 **CONSENT TO ANY PROPOSED PROCEDURE OR TREATMENT, INCLUDING:**

11                   **(I) THE POSSIBLE RISKS AND BENEFITS OF THE PROPOSED**  
12 **PROCEDURE OR TREATMENT; AND**

13                   **(II) ALTERNATIVES TO THE PROPOSED PROCEDURE OR**  
14 **TREATMENT;**

15           **(9) MAKE DECISIONS REGARDING THE HEALTH CARE RECOMMENDED**  
16 **BY THE PHYSICIAN OR MEDICAL STAFF;**

17           **(10) (I) REFUSE TREATMENT, EXAMINATION, OR OBSERVATION BY**  
18 **HOSPITAL STAFF WITHOUT FEAR OF REPRISAL; AND**

19                   **(II) BE INFORMED OF POTENTIAL HEALTH CONSEQUENCES OF**  
20 **REFUSING TREATMENT, EXAMINATION, OR OBSERVATION;**

21           **(11) (I) PARTICIPATE IN ALL DECISIONS ABOUT THE PATIENT'S**  
22 **DISCHARGE FROM THE HOSPITAL; AND**

23                   **(II) RECEIVE FROM THE HOSPITAL A WRITTEN DISCHARGE**  
24 **PLAN AND WRITTEN DESCRIPTION OF HOW TO APPEAL THE DISCHARGE AND REMAIN**  
25 **UNDER HOSPITAL CARE;**

26           **(12) (I) REFUSE TO TAKE PART IN RESEARCH;**

27                   **(II) IN DECIDING WHETHER OR NOT TO PARTICIPATE IN A**  
28 **RESEARCH STUDY, RECEIVE A FULL EXPLANATION OF THE POTENTIAL RISKS AND**  
29 **BENEFITS OF THE RESEARCH; AND**

1 (III) WITHDRAW FROM A RESEARCH STUDY AT ANY TIME  
2 WITHOUT IMPACTING THE PATIENT'S ACCESS TO STANDARD CARE;

3 (13) (I) COMPLAIN OR FILE A GRIEVANCE ABOUT THE CARE AND  
4 SERVICES THE PATIENT IS RECEIVING, WITHOUT FEAR OF REPRISAL, AND RECEIVE  
5 A WRITTEN RESPONSE FROM THE HOSPITAL; AND

6 (II) IF THE PATIENT IS NOT SATISFIED WITH THE HOSPITAL'S  
7 RESPONSE, COMPLAIN TO THE DEPARTMENT, WHICH WILL ADDRESS THE SPECIFIC  
8 COMPLAINT IN WRITING;

9 (14) IF THE PATIENT IS ALONE IN THE HOSPITAL AND DISORIENTED OR  
10 OTHERWISE INCAPACITATED, HAVE A PATIENT ADVOCATE ASSIGNED FROM THE  
11 HOSPITAL STAFF WHILE A FAMILY MEMBER OR DESIGNEE IS BEING CONTACTED TO  
12 ENSURE THE PATIENT'S SAFETY AND CONTINUED CARE BY THE MEDICAL STAFF AT  
13 THE HOSPITAL;

14 (15) MAINTAIN PRIVACY AND DIGNITY WHILE IN THE HOSPITAL WITH  
15 RESPECT TO THE PATIENT'S MEDICAL AND PERSONAL CARE, INCLUDING CASE  
16 DISCUSSION, CONSULTATION, EXAMINATION, TREATMENT, AND PERSONAL  
17 HYGIENE;

18 (16) (I) HAVE HOSPITAL STAFF MAINTAIN CONFIDENTIALITY OF  
19 ALL PERSONAL AND MEDICAL INFORMATION AND RECORDS REGARDING THE  
20 PATIENT'S CARE; AND

21 (II) APPROVE OR REFUSE THE RELEASE OF RECORDS TO  
22 ANYONE OUTSIDE THE HOSPITAL;

23 (17) REVIEW THE PATIENT'S MEDICAL RECORDS WITHOUT CHARGE;

24 (18) (I) OBTAIN A COPY OF MEDICAL RECORDS FOR A REASONABLE  
25 FEE SET BY THE HOSPITAL; OR

26 (II) IF THE PATIENT CANNOT AFFORD TO PAY A REASONABLE  
27 FEE FOR A COPY OF MEDICAL RECORDS, RECEIVE A COPY OF MEDICAL RECORDS  
28 WITHOUT CHARGE OR AT A NEGOTIATED FEE;

29 (19) RECEIVE A CLEAR AND UNDERSTANDABLE ITEMIZED BILL AND  
30 EXPLANATION OF ALL CHARGES, REGARDLESS OF SOURCE OF PAYMENT;

1           **(20) SPECIFY THOSE FAMILY MEMBERS AND OTHER ADULTS WHO ARE**  
2 **TO BE GIVEN PRIORITY TO VISIT THE PATIENT CONSISTENT WITH THE PATIENT'S**  
3 **ABILITY TO RECEIVE VISITORS;**

4           **(21) RECEIVE REASONABLE CONTINUITY OF CARE WITH RESPECT TO**  
5 **STAFF ASSIGNMENT;**

6           **(22) OBTAIN ACCESS, IF NEEDED, TO A LANGUAGE ASSISTANCE**  
7 **PROGRAM TO ENSURE FULL UNDERSTANDING OF AND ACCESSIBILITY TO THE**  
8 **HOSPITAL'S SERVICES AND REASONABLE ACCOMMODATIONS; AND**

9           **(23) EXPECT** and receive appropriate assessment, management, and  
10 treatment of pain as an integral component of the patient's care.

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2016.