

# HOUSE BILL 562

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8lr1448  
CF 8lr3039

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By: **Delegates K. Young, Angel, Barron, Cullison, Fraser-Hidalgo, Frick, Hill, Jalisi, Kelly, Kipke, Korman, McDonough, Metzgar, Miele, A. Miller, Morales, Pena-Melnyk, Platt, Robinson, Sample-Hughes, M. Washington, West, and P. Young**

Introduced and read first time: January 29, 2018

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, an interpreter, or another accommodation to  
6 provide certain assistance to patients; requiring each administrator of a hospital to  
7 conspicuously post copies of the patient’s bill of rights on the hospital’s website and  
8 in areas of the hospital accessible to patients; requiring each administrator of a  
9 hospital to provide annual training to certain staff members to ensure the staff’s  
10 knowledge and understanding of the patient’s bill of rights; requiring a certain  
11 statement to be written in plain language; altering the rights that are required to be  
12 included in a patient’s bill of rights; declaring the intent of the General Assembly;  
13 defining a certain term; making a technical change; and generally relating to  
14 hospitals and a patient’s bill of rights.

15 BY repealing and reenacting, with amendments,  
16 Article – Health – General  
17 Section 19–342  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2017 Supplement)

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

22 **Article – Health – General**

23 19–342.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

12                   **(I) THE hospital adopts under [the] Joint Commission [on**  
13 **Accreditation of Hospitals’] guidelines; AND**

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

15           **(2) IF A PATIENT DOES NOT SPEAK ENGLISH, REQUIRES THE**  
16 **PATIENT’S BILL OF RIGHTS IN AN ALTERNATIVE FORMAT, OR IS ILLITERATE,**  
17 **PROVIDE A TRANSLATOR, AN INTERPRETER, OR ANOTHER ACCOMMODATION TO**  
18 **ASSIST THE PATIENT IN UNDERSTANDING AND EXERCISING THE RIGHTS INCLUDED**  
19 **IN THE PATIENT’S BILL OF RIGHTS;**

20           **(3) CONSPICUOUSLY POST COPIES OF THE PATIENT’S BILL OF RIGHTS**  
21 **ON THE HOSPITAL’S WEBSITE AND IN AREAS OF THE HOSPITAL ACCESSIBLE TO**  
22 **PATIENTS, INCLUDING THE ADMITTING OFFICE, PATIENT FLOORS, PATIENT ROOMS,**  
23 **THE OUTPATIENT DEPARTMENT, AND EMERGENCY SERVICES WAITING AREAS; AND**

24           **(4) PROVIDE ANNUAL TRAINING TO ALL PATIENT CARE STAFF**  
25 **MEMBERS TO ENSURE THE STAFF’S KNOWLEDGE AND UNDERSTANDING OF THE**  
26 **PATIENT’S BILL OF RIGHTS.**

27           **[(b)] (D) The patient’s bill of rights shall AT A MINIMUM include a statement, IN**  
28 **PLAIN LANGUAGE, that a patient has a right to [expect and receive appropriate**  
29 **assessment, management, and treatment of pain as an integral component of the patient’s**  
30 **care]:**

31           **(1) RESPECTFUL, COMPASSIONATE CARE REGARDLESS OF AGE,**  
32 **GENDER, RACE, NATIONAL ORIGIN, RELIGION, SEXUAL ORIENTATION, GENDER**  
33 **IDENTITY, OR DISABILITY;**

1           **(2) BE PROVIDED CARE IN A CLEAN, SAFE ENVIRONMENT FREE FROM**  
2 **ALL FORMS OF ABUSE, NEGLECT, OR MISTREATMENT;**

3           **(3) BE TOLD THE NAMES OF DOCTORS, NURSES, AND OTHER HEALTH**  
4 **CARE TEAM MEMBERS INVOLVED IN THE PATIENT'S CARE;**

5           **(4) HAVE A FAMILY MEMBER OR AN INDIVIDUAL OF THE PATIENT'S**  
6 **CHOICE AND THE PATIENT'S DOCTOR NOTIFIED OF THE PATIENT'S ADMISSION TO**  
7 **THE HOSPITAL;**

8           **(5) HAVE A FAMILY MEMBER OR AN INDIVIDUAL OF THE PATIENT'S**  
9 **CHOICE REMAIN WITH THE PATIENT FOR EMOTIONAL SUPPORT DURING THE**  
10 **PATIENT'S HOSPITAL STAY;**

11           **(6) INFORMED DECISION MAKING AND INFORMED CONSENT**  
12 **REGARDING DIAGNOSIS AND POSSIBLE PROGNOSIS, AND THE BENEFITS AND RISKS**  
13 **OF TREATMENT;**

14           **(7) HAVE PAIN MANAGED;**

15           **(8) BE FREE FROM RESTRAINTS AND SECLUSION UNLESS NEEDED**  
16 **FOR SAFETY;**

17           **(9) PRIVACY AND CONFIDENTIALITY IN CARE DISCUSSIONS, EXAMS,**  
18 **AND TREATMENTS;**

19           **(10) REQUEST AN ESCORT DURING ANY TYPE OF EXAM;**

20           **(11) ACCESS PROTECTIVE AND ADVOCACY SERVICES IN CASES OF**  
21 **SUSPECTED OR ALLEGED ABUSE OR NEGLECT;**

22           **(12) PARTICIPATE IN DECISIONS ABOUT THE PATIENT'S CARE,**  
23 **INCLUDING THE RIGHT TO REFUSE TREATMENT;**

24           **(13) REFUSE TO TAKE PART IN MEDICAL RESEARCH STUDIES,**  
25 **WITHOUT THE REFUSAL AFFECTING THE PATIENT'S CARE;**

26           **(14) COMMUNICATION THAT THE PATIENT CAN UNDERSTAND, WHICH**  
27 **MAY INCLUDE SIGN OR FOREIGN LANGUAGE INTERPRETERS, AND VISION, SPEECH,**  
28 **HEARING, AND OTHER AIDS AS NEEDED WITHOUT CHARGE;**

29           **(15) MAKE AN ADVANCE DIRECTIVE AND APPOINT A FAMILY MEMBER**  
30 **OR AN INDIVIDUAL OF THE PATIENT'S CHOICE TO MAKE HEALTH CARE DECISIONS**

1 FOR THE PATIENT, IF THE PATIENT IS UNABLE TO DO SO;

2 (16) BE INVOLVED IN DEVELOPING THE DISCHARGE PLAN;

3 (17) RECEIVE DETAILED INFORMATION ABOUT THE PATIENT'S  
4 HOSPITAL AND PHYSICIAN CHARGES AND ASK FOR AN ESTIMATE OF HOSPITAL  
5 CHARGES BEFORE CARE IS PROVIDED;

6 (18) ACCESS THE PATIENT'S MEDICAL RECORDS;

7 (19) REFUSE CONSENT FOR RECORDING OR IMAGES TO BE MADE FOR  
8 PURPOSES OTHER THAN PATIENT CARE;

9 (20) DISCUSS AN ETHICAL ISSUE RELATED TO THE PATIENT'S CARE  
10 WITH A MEMBER OF THE HOSPITAL'S ETHICS SERVICES;

11 (21) ACCESS SPIRITUAL SERVICES; AND

12 (22) FILE A COMPLAINT ABOUT CARE AND HAVE ACCESS TO A  
13 GRIEVANCE PROCESS.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2018.