

HOUSE BILL 1768

J3, J1

8lr3879

By: **Delegate Hayes**

Introduced and read first time: February 23, 2018

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals – Discharge of Patients – Procedures**

3 FOR the purpose of requiring a hospital before discharging a patient who is mentally ill to
4 make a certain determination and, under certain circumstances, ensure that the
5 patient is aware of certain services that are available to the patient after discharge;
6 prohibiting a hospital from discharging a patient who is clothed in a manner in which
7 the patient is indecently exposed; requiring a hospital to ensure that a patient who
8 is homeless has access to a local shelter before discharging the patient into extreme
9 outdoor temperatures; defining a certain term; and generally relating to the
10 discharge of patients from a hospital.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 19–308.8
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2017 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 19–308.8.

20 (A) IN THIS SECTION, “EXTREME OUTDOOR TEMPERATURE” MEANS:

21 (1) AN OUTDOOR TEMPERATURE, INCLUDING WIND CHILL, OF 13
22 DEGREES FAHRENHEIT OR LESS; OR

23 (2) AN OUTDOOR HEAT INDEX OF 105 DEGREES FAHRENHEIT OR

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 MORE.

2 [(a)] (B) [A] SUBJECT TO SUBSECTIONS (E) THROUGH (G) OF THIS
3 SECTION, A hospital may discharge a patient:

- 4 (1) Entirely;
- 5 (2) To another level of care, treatment, or services;
- 6 (3) To different health professionals; or
- 7 (4) To settings for continued services.

8 [(b)] (C) A hospital's process for transfer or discharge shall be based on a
9 patient's assessed needs.

10 [(c)] (D) To facilitate discharge or transfer, the hospital shall:

- 11 (1) Assess a patient's needs;
- 12 (2) Plan for discharge or transfer;
- 13 (3) Facilitate the discharge or transfer process;
- 14 (4) Give the patient or person responsible for providing continuing care to
15 the patient written discharge instructions in a form the patient can understand; and
- 16 (5) Help to ensure that continuity of care, treatment, and services is
17 maintained.

18 (E) BEFORE DISCHARGING A PATIENT WHO IS MENTALLY ILL, THE
19 HOSPITAL SHALL:

20 (1) DETERMINE WHETHER THE PATIENT WILL BE ACCOMPANIED BY A
21 FAMILY MEMBER OR GUARDIAN AT THE TIME OF DISCHARGE; AND

22 (2) IF THE PATIENT WILL BE UNACCOMPANIED AT THE TIME OF
23 DISCHARGE, ENSURE THAT THE PATIENT IS AWARE OF ANY SOCIAL SERVICES,
24 MENTAL HEALTH SERVICES, OR RELATED SERVICES THAT ARE AVAILABLE TO THE
25 PATIENT AFTER DISCHARGE.

26 (F) A HOSPITAL MAY NOT DISCHARGE A PATIENT WHO IS CLOTHED IN A
27 MANNER IN WHICH THE PATIENT IS INDECENTLY EXPOSED.

28 (G) BEFORE DISCHARGING INTO EXTREME OUTDOOR TEMPERATURES A

1 PATIENT WHO IS HOMELESS, THE HOSPITAL SHALL ENSURE THAT THE PATIENT HAS
2 ACCESS TO A LOCAL SHELTER.

3 [(d)] (H) If a hospital fails to comply with the requirements of this section, the
4 Secretary may impose a civil money penalty not to exceed \$10,000 for each failure to
5 comply.

6 [(e)] (I) A hospital may appeal a civil money penalty imposed under subsection
7 (c) of this section in accordance with Title 10, Subtitle 2 of the State Government Article.

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