

SENATE BILL 981

J3, J1

8lr2845

By: **Senators Muse, Madaleno, Oaks, Ramirez, Rosapepe, Smith, and Young**
Introduced and read first time: February 5, 2018
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals – Discharge of Patients – Emergency Medical Conditions and Extreme**
3 **Temperatures**
4 **(Rebecca’s Law)**

5 FOR the purpose of prohibiting a hospital from discharging into certain temperatures a
6 patient that an employee of the hospital has reason to believe is suffering from an
7 emergency medical condition and lacks certain capacity to seek shelter, without
8 assistance, from certain temperatures; providing that a person who violates certain
9 provisions of this Act is guilty of a misdemeanor and on conviction is subject to
10 certain fines and penalties; authorizing, in addition to certain penalties, a person
11 who suffers an injury as a result of a person violating certain provisions of this Act
12 to recover certain damages from certain persons; making conforming changes;
13 defining certain terms; and generally relating to the discharge of patients with
14 emergency medical conditions into extreme outdoor temperatures.

15 BY repealing and reenacting, with amendments,
16 Article – Health – General
17 Section 19–308.8
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 19–308.8.

24 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
25 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(2) “EMERGENCY MEDICAL CONDITION” HAS THE MEANING STATED**
2 **IN 42 U.S.C. § 1395DD(E).**

3 **(3) “EXTREME OUTDOOR TEMPERATURES” MEANS AN OUTDOOR**
4 **TEMPERATURE BELOW 40 DEGREES FAHRENHEIT OR ABOVE 90 DEGREES**
5 **FAHRENHEIT.**

6 **[(a)] (B) [A SUBJECT TO SUBSECTION (E) OF THIS SECTION, A hospital may**
7 **discharge a patient:**

8 (1) Entirely;

9 (2) To another level of care, treatment, or services;

10 (3) To different health professionals; or

11 (4) To settings for continued services.

12 **[(b)] (C) A hospital’s process for transfer or discharge shall be based on a**
13 **patient’s assessed needs.**

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

15 (1) Assess a patient’s needs;

16 (2) Plan for discharge or transfer;

17 (3) Facilitate the discharge or transfer process;

18 (4) Give the patient or person responsible for providing continuing care to
19 the patient written discharge instructions in a form the patient can understand; and

20 (5) Help to ensure that continuity of care, treatment, and services is
21 maintained.

22 **(E) A HOSPITAL MAY NOT DISCHARGE INTO EXTREME OUTDOOR**
23 **TEMPERATURES A PATIENT THAT AN EMPLOYEE OF THE HOSPITAL HAS REASON TO**
24 **BELIEVE:**

25 **(1) IS SUFFERING FROM AN EMERGENCY MEDICAL CONDITION; AND**

26 **(2) LACKS THE PHYSICAL OR MENTAL CAPACITY TO SEEK SHELTER,**
27 **WITHOUT ASSISTANCE, FROM THE EXTREME OUTDOOR TEMPERATURES.**

1 ~~[(d)]~~ **(F)** If a hospital fails to comply with the requirements of **SUBSECTIONS**
2 **(B), (C), OR (D)** OF this section, the Secretary may impose a civil money penalty not to
3 exceed \$10,000 for each failure to comply.

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

7 **(H) (1) A PERSON WHO VIOLATES SUBSECTION (E) OF THIS SECTION IS**
8 **GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT**
9 **EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH.**

10 **(2) IN ADDITION TO THE PENALTIES SPECIFIED IN PARAGRAPH (1) OF**
11 **THIS SUBSECTION, AN INDIVIDUAL WHO SUFFERED AN INJURY AS A RESULT OF A**
12 **PERSON VIOLATING SUBSECTION (E) OF THIS SECTION MAY RECOVER CIVIL**
13 **DAMAGES FROM THE PERSON AND FROM ANY OTHER PERSON WHO KNOWINGLY**
14 **PARTICIPATED IN THE VIOLATION.**

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