

HOUSE BILL 113

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By: **Delegate Grammer**

Introduced and read first time: January 13, 2020

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals – Patient’s Bill of Rights – Minor Patients**

3 FOR the purpose of requiring that a certain patient’s bill of rights include a certain
4 statement that a parent or guardian of a minor patient has full decision-making
5 authority regarding the health care of the minor patient except under certain
6 circumstances; and generally relating to the patient’s bill of rights.

7 BY repealing and reenacting, with amendments,

8 Article – Health – General

9 Section 19–342

10 Annotated Code of Maryland

11 (2019 Replacement Volume)

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

14 **Article – Health – General**

15 19–342.

16 (a) In this section, “patient” includes an inpatient, an outpatient, and an
17 emergency services patient.

18 (b) The General Assembly intends to promote the health, safety, and well-being
19 of patients and to foster better communication between patients and health care providers
20 in hospitals through the use of a patient’s bill of rights that specifies the ethical and
21 humane treatment the patient has a right to expect.

22 (c) Each administrator of a hospital shall:

23 (1) Provide to each patient in the hospital a written copy of the patient’s

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 bill of rights that:

2 (i) The hospital adopts under Joint Commission guidelines or
3 guidelines issued by a nationally recognized hospital accreditation organization approved
4 by the Centers for Medicare and Medicaid Services conditions of participation; and

5 (ii) Complies with subsection (d) of this section;

6 (2) If a patient does not speak English or requires the patient's bill of rights
7 in an alternative format, provide a translator, an interpreter, or another accommodation to
8 assist the patient in understanding and exercising the rights included in the patient's bill
9 of rights;

10 (3) Conspicuously post copies of the patient's bill of rights on the hospital's
11 website and in areas that are accessible to patients and visitors, which may include
12 admitting offices, patient floors, patient rooms, the outpatient department, and emergency
13 services waiting areas; and

14 (4) Provide annual training to all patient care staff members to ensure the
15 staff's knowledge and understanding of the patient's bill of rights.

16 (d) The patient's bill of rights shall at a minimum include a statement, in plain
17 language, that [a]:

18 (1) A patient has a right to:

19 [(1)] (I) Receive considerate, respectful, and compassionate care;

20 [(2)] (II) Be provided care in a safe environment free from all forms of
21 abuse and neglect, including verbal, mental, physical, and sexual abuse;

22 [(3)] (III) Have a medical screening exam and be provided stabilizing
23 treatment for emergency medical conditions and labor;

24 [(4)] (IV) Be free from restraints and seclusion unless needed for safety;

25 [(5)] (V) Be told the names and jobs of the health care team members
26 involved in the patient's care if staff safety is not a concern;

27 [(6)] (VI) Have respect shown for the patient's personal values, beliefs, and
28 wishes;

29 [(7)] (VII) Be treated without discrimination based on race, color, national
30 origin, ethnicity, age, gender, sexual orientation, gender identity or expression, physical or
31 mental disability, religion, language, or ability to pay;

1 [(8)] (VIII) Be provided a list of protective and advocacy services when
2 needed;

3 [(9)] (IX) Receive information about the patient's hospital and physician
4 charges and ask for an estimate of hospital charges before care is provided and as long as
5 patient care is not impeded;

6 [(10)] (X) Receive information in a manner that is understandable by the
7 patient, which may include:

8 [(i)] 1. Sign and foreign language interpreters;

9 [(ii)] 2. Alternative formats, including large print, braille, audio
10 recordings, and computer files; and

11 [(iii)] 3. Vision, speech, hearing, and other temporary aids as
12 needed, without charge;

13 [(11)] (XI) Receive information from the patient's doctor or other health care
14 practitioners about the patient's diagnosis, prognosis, test results, possible outcomes of
15 care, and unanticipated outcomes of care;

16 [(12)] (XII) Access the patient's medical records in accordance with HIPAA
17 Notice of Privacy Practices;

18 [(13)] (XIII) Be involved in the patient's plan of care;

19 [(14)] (XIV) Be screened, assessed, and treated for pain;

20 [(15)] (XV) Refuse care;

21 [(16)] (XVI) In accordance with hospital visitation policies, have an
22 individual of the patient's choice remain with the patient for emotional support during the
23 patient's hospital stay, choose the individuals who may visit the patient, and change the
24 patient's mind about the individuals who may visit;

25 [(17)] (XVII) Appoint an individual of the patient's choice to make health care
26 decisions for the patient, if the patient is unable to do so;

27 [(18)] (XVIII) Make or change an advance directive;

28 [(19)] (XIX) Give informed consent before any nonemergency care is
29 provided, including the benefits and risks of the care, alternatives to the care, and the
30 benefits and risks of the alternatives to the care;

31 [(20)] (XX) Agree or refuse to take part in medical research studies, without

1 the agreement or refusal affecting the patient's care;

2 **[(21)] (XXI)** Allow or refuse to allow pictures of the patient for purposes other
3 than the patient's care;

4 **[(22)] (XXII)** Expect privacy and confidentiality in care discussions and
5 treatments;

6 **[(23)] (XXIII)** Be provided a copy of the Health Insurance Portability and
7 Accountability Act Notice of Privacy Practices; and

8 **[(24)] (XXIV)** File a complaint about care and have the complaint
9 reviewed without the complaint affecting the patient's care; **AND**

10 **(2) UNLESS A PROVISION OF FEDERAL OR STATE LAW ALLOWS THE**
11 **MINOR PATIENT TO CONSENT TO MEDICAL TREATMENT, A PARENT OR GUARDIAN OF**
12 **A MINOR PATIENT HAS FULL DECISION-MAKING AUTHORITY REGARDING THE**
13 **HEALTH CARE OF THE MINOR PATIENT, INCLUDING THE CHOICE TO TRANSFER THE**
14 **MINOR PATIENT TO A DIFFERENT HEALTH CARE PROVIDER OR FACILITY.**

15 (e) The Office of Health Care Quality shall monitor the compliance of each
16 hospital with the requirements of this section.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2020.