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By: **Delegates Hammen and Klausmeier**  
Introduced and read first time: February 24, 2000  
Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Hospitals - Incompetent Patient - Appropriate Placement**

3 FOR the purpose of authorizing the transfer of a patient pending a certain  
4 guardianship hearing under certain circumstances; requiring a physician to  
5 examine a certain patient and make a certification that continued care in a  
6 hospital is medically inappropriate and transfer to a specified facility is in the  
7 best interests of the patient; and generally relating to transfer of a patient  
8 pending a certain guardianship hearing to an appropriate facility.

9 BY adding to  
10 Article - Health - General  
11 Section 19-342.1  
12 Annotated Code of Maryland  
13 (1996 Replacement Volume and 1999 Supplement)

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

16 **Article - Health - General**

17 19-342.1.

18 (A) THIS SECTION APPLIES TO A HOSPITAL PATIENT THAT IS THE SUBJECT OF  
19 A PETITION FOR GUARDIANSHIP FILED UNDER § 13-705 OF THE ESTATES AND TRUSTS  
20 ARTICLE IF THERE IS NO FAMILY MEMBER, SURROGATE DECISION MAKER UNDER §  
21 5-605 OF THIS ARTICLE, OR OTHER LEGAL GUARDIAN ABLE, WILLING, AND  
22 AVAILABLE TO CONSENT TO APPROPRIATE PLACEMENT OF THE PATIENT PENDING  
23 APPOINTMENT OF A GUARDIAN.

24 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A PATIENT MAY BE  
25 TRANSFERRED TO ANOTHER HEALTH CARE FACILITY PENDING A GUARDIANSHIP  
26 HEARING UNDER TITLE 13 OF THE ESTATES AND TRUSTS ARTICLE UPON A  
27 PHYSICIAN'S EXAMINATION AND CERTIFICATION THAT CONTINUED CARE OF THE  
28 PATIENT IN THE HOSPITAL IS MEDICALLY INAPPROPRIATE AND TRANSFER TO A  
29 SPECIFIED FACILITY IS IN THE BEST INTERESTS OF THE PATIENT.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2000.