

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE

House Bill 1375 (Delegates Hammen and Klausmeier)

Environmental Matters

Hospitals - Incompetent Patient - Appropriate Placement

This bill provides that a patient may be transferred to another health care facility pending a guardianship hearing. The bill allows the transfer if there is not a family member, surrogate decision maker, or other legal guardian able, willing, and available to consent to the appropriate placement of the patient pending the appointment of a guardian. The transfer is dependent upon a physician's examination and certification that continued care of the patient in the hospital is medically inappropriate and that the transfer to a specified facility is in the best interests of the patient.

Fiscal Summary

State Effect: Medicaid expenditures could decrease to the extent that patients are transferred sooner from more expensive acute-care hospitals to less expensive facilities, such as nursing homes. The exact number of incompetent patients in acute-care facilities waiting for hearings to appoint guardians cannot be reliably estimated at this time, but the total population affected by the bill is assumed to be low.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A court may appoint a guardian for a disabled person if the court determines the person to be lacking in sufficient understanding and capacity to make or communicate responsible decisions concerning health care, food, clothing, or shelter because of any mental disability, senility, etc. When a patient with no guardian available is certified as incompetent

and is ready for transfer from an acute-care facility to a nursing home, the hospital will file a petition for the appointment of a guardian. Within days, the attorney representing the patient will visit, and in most cases will confirm, that the transfer is appropriate. The hearing date for the appointment of a guardian is within two to 12 weeks, with the patient in the acute care facility during that time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Department of Health and Mental Hygiene (Board of Physicians Quality Administration, Office of Health Care Quality), Department of Human Resources, Department of Legislative Services

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