
By: **Delegates Shriver and Donoghue**
Introduced and read first time: February 9, 2001
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Facilities - Pain Management**

3 FOR the purpose of requiring health care facilities to monitor pain as a vital sign in
4 patients and residents; requiring certain documentation by health care
5 facilities; requiring the Secretary of Health and Mental Hygiene to adopt certain
6 regulations; adding the right to have pain assessed, managed, and treated to the
7 patient's bill of rights for hospitals and related institutions; requiring certain
8 other health care facilities to add pain management to any patient's bill of rights
9 they distribute; and generally relating to pain management.

10 BY repealing and reenacting, with amendments,

11 Article - Health - General
12 Section 19-342 and 19-343
13 Annotated Code of Maryland
14 (2000 Replacement Volume)

15 BY adding to

16 Article - Health - General
17 Section 19-353; and 19-3C-01 to be under the new subtitle "Subtitle 3C. Pain
18 Management"
19 Annotated Code of Maryland
20 (2000 Replacement Volume)

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

23 **Article - Health - General**

24 19-342.

25 (A) Each administrator of a hospital is responsible for making available to
26 each patient in the hospital a copy of the patient's bill of rights that the hospital
27 adopts under the Joint Commission on Accreditation of Hospitals' guidelines.

1 (B) THE PATIENT'S BILL OF RIGHTS SHALL INCLUDE A STATEMENT THAT A
2 PATIENT HAS A RIGHT TO EXPECT AND RECEIVE APPROPRIATE ASSESSMENT,
3 MANAGEMENT, AND TREATMENT OF PAIN AS AN INTEGRAL COMPONENT OF THE
4 PATIENT'S CARE.

5 19-343.

6 (a) In this section and §§ 19-344 and 19-345 of this subtitle, "facility" means
7 a related institution that, under the rules and regulations of the Department, is a
8 comprehensive care facility or an extended care facility.

9 (b) (1) The General Assembly intends to promote the interests and
10 well-being of each resident of a facility.

11 (2) It is the policy of this State that, in addition to any other rights, each
12 resident of a facility has the following basic rights:

13 (i) The right to be treated with consideration, respect, and full
14 recognition of human dignity and individuality;

15 (ii) The right to receive treatment, care, and services that are
16 adequate, appropriate, and in compliance with relevant State and federal laws, rules,
17 and regulations;

18 (iii) The right to privacy;

19 (iv) The right to be free from mental and physical abuse;

20 (V) THE RIGHT TO EXPECT AND RECEIVE APPROPRIATE
21 ASSESSMENT, MANAGEMENT, AND TREATMENT OF PAIN AS AN INTEGRAL
22 COMPONENT OF THE PATIENT'S CARE;

23 [(v)] (VI) The right to be free from physical and chemical restraints,
24 except for restraints that a physician authorizes for a clearly indicated medical need;

25 [(vi)] (VII) The right to receive respect and privacy in a medical care
26 program; and

27 [(vii)] (VIII) The right to manage personal financial affairs.

28 (c) Each facility shall:

29 (1) Post, conspicuously in a public place, the policy set forth in subsection
30 (b) of this section and the provisions in §§ 19-344(b) through (m), 19-345, and
31 19-346(i)(2) of this subtitle;

32 (2) Give a copy of the policy and those provisions:

33 (i) On admission, to the resident;

1 (ii) To the guardian, next of kin, or sponsoring agency of the
2 resident; and

3 (iii) To a representative payee of the resident;

4 (3) Keep a receipt for the copy that is signed by the person who received
5 the copy; and

6 (4) Provide appropriate staff training to carry out the policy and those
7 provisions.

8 19-353.

9 ANY HEALTH CARE FACILITY NOT COVERED UNDER §§ 19-342 AND 19-343 OF
10 THIS SUBTITLE SHALL INCLUDE IN ANY PATIENT'S BILL OF RIGHTS OR SIMILAR
11 DOCUMENT PROVIDED TO THE PATIENT OR RESIDENT A STATEMENT THAT A
12 PATIENT OR RESIDENT HAS THE RIGHT TO EXPECT AND RECEIVE APPROPRIATE
13 ASSESSMENT, MANAGEMENT, AND TREATMENT OF PAIN AS AN INTEGRAL
14 COMPONENT OF THAT PATIENT'S OR RESIDENT'S CARE.

15 SUBTITLE 3C. PAIN MANAGEMENT.

16 19-3C-01.

17 (A) IN ADDITION TO MONITORING BLOOD PRESSURE, PULSE, RESPIRATION,
18 AND TEMPERATURE, A HEALTH CARE FACILITY, AS DEFINED UNDER § 19-114 OF THIS
19 TITLE, SHALL:

20 (1) ROUTINELY ASSESS AND MONITOR PAIN WHEN MONITORING THE
21 VITAL SIGNS OF A PATIENT OR RESIDENT; AND

22 (2) MAINTAIN WRITTEN POLICIES AND PROCEDURES FOR THE
23 ASSESSMENT AND MONITORING OF PAIN.

24 (B) IN MONITORING PAIN IN A PATIENT OR RESIDENT, A HEALTH CARE
25 FACILITY SHALL:

26 (1) ROUTINELY INQUIRE WHETHER THE PATIENT OR RESIDENT IS IN
27 PAIN;

28 (2) ASK THE PATIENT OR RESIDENT TO RATE THE PATIENT'S OR
29 RESIDENT'S DEGREE OF PAIN;

30 (3) ROUTINELY RECORD LEVELS OF PAIN INTENSITY ON THE PATIENT'S
31 OR RESIDENT'S CHART;

32 (4) REASSESS THE PATIENT OR RESIDENT FOR PAIN AFTER THE
33 ADMINISTRATION OF ANY TREATMENT OR MEDICATION FOR THE RELIEF OF PAIN;
34 AND

1 (5) RECORD THE EFFECT OF ANY TREATMENT OR MEDICATION
2 ADMINISTERED TO THE PATIENT OR RESIDENT FOR RELIEF OF PAIN.

3 (C) THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE
4 PROVISIONS OF THIS SUBTITLE.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2001.