

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL NO. 269

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike “Health Care - Programs and Facilities - Pain Management” and substitute “Health Care Facilities - Pain Management”; strike beginning with “establishing” in line 3 down through “facilities” in line 11 and substitute “adding the right to have pain assessed, managed, and treated to the patient’s bill of rights for hospitals and related institutions; requiring certain other health care facilities to add pain management to any patient’s bill of rights or similar document distributed; and generally relating to pain management and health care facilities”; in line 12, strike “adding to” and substitute “repealing and reenacting, with amendments,”; strike beginning with “13-1601” in line 14 down through “19-348.1” in line 15 and substitute “19-342 and 19-343”; and after line 17, insert:

“BY adding to

Article - Health - General

Section 19-353

Annotated Code of Maryland

(2000 Replacement Volume and 2001 Supplement)”.

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 7 on page 2, inclusive.

On pages 2 through 6, strike in their entirety the lines beginning with line 11 on page 2 through line 30 on page 6, inclusive, and substitute:

“19-342.

(A) Each administrator of a hospital is responsible for making available to each patient in

(Over)

the hospital a copy of the patient's bill of rights that the hospital adopts under the Joint Commission on Accreditation of Hospitals' guidelines.

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

19-343.

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

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

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

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

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

(iii) The right to privacy;

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

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

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

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

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

(c) Each facility shall:

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

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

(i) On admission, to the resident;

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

(iii) To a representative payee of the resident;

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

and

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

19-353.

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

(Over)

COMPONENT OF THAT PATIENT'S OR RESIDENT'S CARE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2002."