

ENROLLED BILL
-- Finance/Health and Government Operations --

Introduced by **Senators Hollinger and Kittleman**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **The Sara Hohne Patient Protection Act**

3 FOR the purpose of ~~prohibiting hospitals and certain other health care facilities from~~
4 ~~discharging certain patients to certain facilities or programs; providing a certain~~
5 ~~exception~~ allowing a hospital to discharge a patient under certain conditions;
6 authorizing the Secretary of Health and Mental Hygiene to impose a civil money
7 penalty ~~for certain violations~~ under certain circumstances; providing for appeals
8 from the imposition of a civil money penalty; and generally relating to the
9 discharge of patients from health care facilities.

10 BY adding to
11 Article - Health - General
12 Section 19-308.8
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2004 Supplement)

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

3 **Article - Health - General**

4 19-308.8.

5 ~~(A) A HOSPITAL OR RELATED INSTITUTION MAY NOT DISCHARGE A PATIENT~~
6 ~~WHO IS UNABLE TO PERFORM OR WHO NEEDS ASSISTANCE IN PERFORMING~~
7 ~~ACTIVITIES OF DAILY LIVING TO:~~

8 ~~(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, AN~~
9 ~~ASSISTED LIVING PROGRAM LICENSED UNDER § 19-1801 OF THIS ARTICLE THAT~~
10 ~~SERVES 4 OR FEWER INDIVIDUALS; OR~~

11 ~~(2) A FACILITY OR PROGRAM THAT IS NOT LICENSED OR OTHERWISE~~
12 ~~AUTHORIZED UNDER THIS ARTICLE TO PROVIDE HOUSING AND SUPPORTIVE~~
13 ~~SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH RELATED SERVICES,~~
14 ~~OR A COMBINATION OF SERVICES TO INDIVIDUALS WHO ARE UNABLE TO PERFORM~~
15 ~~OR WHO NEED ASSISTANCE IN PERFORMING ACTIVITIES OF DAILY LIVING.~~

16 ~~(B) A HOSPITAL OR RELATED INSTITUTION MAY DISCHARGE A PATIENT~~
17 ~~WHO IS UNABLE TO PERFORM OR WHO NEEDS ASSISTANCE IN PERFORMING~~
18 ~~ACTIVITIES OF DAILY LIVING TO AN ASSISTED LIVING FACILITY LICENSED UNDER §~~
19 ~~19-1801 OF THIS ARTICLE THAT SERVES 4 OR FEWER INDIVIDUALS AND HAS BEEN~~
20 ~~DESIGNATED BY THE DEPARTMENT TO RECEIVE REFERRALS UNDER THIS SECTION.~~

21 (A) A HOSPITAL MAY DISCHARGE A PATIENT:

22 (1) ENTIRELY;

23 (2) TO ANOTHER LEVEL OF CARE, TREATMENT, OR SERVICES;

24 (3) TO DIFFERENT HEALTH PROFESSIONALS; OR

25 (4) TO SETTINGS FOR CONTINUED SERVICES.

26 (B) A HOSPITAL'S PROCESS FOR TRANSFER OR DISCHARGE SHALL BE BASED
27 ON A PATIENT'S ASSESSED NEEDS.

28 (C) TO FACILITATE DISCHARGE OR TRANSFER, THE HOSPITAL SHALL:

29 (1) ASSESS A PATIENT'S NEEDS;

30 (2) PLAN FOR DISCHARGE OR TRANSFER;

31 (3) FACILITATE THE DISCHARGE OR TRANSFER PROCESS;

32 (4) GIVE THE PATIENT OR PERSON RESPONSIBLE FOR PROVIDING
33 CONTINUING CARE TO THE PATIENT WRITTEN DISCHARGE INSTRUCTIONS IN A
34 FORM THE PATIENT CAN UNDERSTAND; AND

1 (5) HELP TO ENSURE THAT CONTINUITY OF CARE, TREATMENT, AND
2 SERVICES IS MAINTAINED.

3 ~~(C)~~ (D) IF A HOSPITAL FAILS TO COMPLY WITH THE REQUIREMENTS OF
4 THIS SECTION, THE SECRETARY MAY IMPOSE A CIVIL MONEY PENALTY NOT TO
5 EXCEED \$10,000 FOR EACH VIOLATION OF THIS SECTION FAILURE TO COMPLY.

6 ~~(D)~~ (E) A HOSPITAL ~~OR RELATED INSTITUTION~~ MAY APPEAL A CIVIL
7 MONEY PENALTY IMPOSED UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION IN
8 ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2005.