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By: **Senators Hollinger and Kittleman**  
Introduced and read first time: January 31, 2005  
Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **The Sara Hohnke 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; authorizing the Secretary of Health and Mental Hygiene to impose a  
6 civil money penalty for certain violations; providing for appeals from the  
7 imposition of a civil money penalty; and generally relating to the discharge of  
8 patients from health care facilities.

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

18 (A) A HOSPITAL OR RELATED INSTITUTION MAY NOT DISCHARGE A PATIENT  
19 WHO IS UNABLE TO PERFORM OR WHO NEEDS ASSISTANCE IN PERFORMING  
20 ACTIVITIES OF DAILY LIVING TO:

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

24 (2) A FACILITY OR PROGRAM THAT IS NOT LICENSED OR OTHERWISE  
25 AUTHORIZED UNDER THIS ARTICLE TO PROVIDE HOUSING AND SUPPORTIVE  
26 SERVICES, SUPERVISION, PERSONALIZED ASSISTANCE, HEALTH-RELATED SERVICES,  
27 OR A COMBINATION OF SERVICES TO INDIVIDUALS WHO ARE UNABLE TO PERFORM  
28 OR WHO NEED ASSISTANCE IN PERFORMING ACTIVITIES OF DAILY LIVING.

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

6           (C)     THE SECRETARY MAY IMPOSE A CIVIL MONEY PENALTY NOT TO  
7 EXCEED \$10,000 FOR EACH VIOLATION OF THIS SECTION.

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

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