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

Committee Report: Favorable with amendments
 Senate action: Adopted
 Read second time: March 23, 2005

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)

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

17 **Article - Health - General**

18 19-308.8.

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

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

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

9 ~~(B)~~ A HOSPITAL OR RELATED INSTITUTION MAY DISCHARGE A PATIENT
 10 WHO IS UNABLE TO PERFORM OR WHO NEEDS ASSISTANCE IN PERFORMING
 11 ACTIVITIES OF DAILY LIVING TO AN ASSISTED LIVING FACILITY LICENSED UNDER §
 12 19-1801 OF THIS ARTICLE THAT SERVES 4 OR FEWER INDIVIDUALS AND HAS BEEN
 13 DESIGNATED BY THE DEPARTMENT TO RECEIVE REFERRALS UNDER THIS SECTION.

14 (A) A HOSPITAL MAY DISCHARGE A PATIENT:

15 (1) ENTIRELY;

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

17 (3) TO DIFFERENT HEALTH PROFESSIONALS; OR

18 (4) TO SETTINGS FOR CONTINUED SERVICES.

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

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

22 (1) ASSESS A PATIENT'S NEEDS;

23 (2) PLAN FOR DISCHARGE OR TRANSFER;

24 (3) FACILITATE THE DISCHARGE OR TRANSFER PROCESS;

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

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

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

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

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