

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 303
Finance

(Senators Hollinger and Kittleman)

Health and Government Operations

The Sara Hohne Patient Protection Act

This bill specifies hospital discharge procedures for patients. A hospital's process for transfer or discharge must be based on a patient's assessed needs. A hospital must: (1) assess a patient's needs; (2) plan for discharge or transfer; (3) facilitate the discharge or transfer process; (4) give the patient written discharge instructions; and (5) help to ensure that continuity of care, treatment, and services is maintained.

A hospital that fails to comply with these requirements is subject to a civil money penalty up to \$10,000 for each failure to comply. A hospital may appeal a penalty under the Administrative Procedure Act.

Fiscal Summary

State Effect: The bill would not materially affect governmental operations or finances. Any civil penalties imposed and collected are assumed to be minimal.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: If a hospital is able to provide adequate care to a patient, the hospital may not transfer the patient to another hospital unless specified requirements are met. There are no provisions governing a hospital or related institution discharging a patient to an assisted living facility.

Background: The bill adopts the Joint Commission on Accreditation of Health Care Organizations (JCAHO) requirements regarding patient discharge or transfer from a hospital. JCAHO is the nationally-recognized accrediting organization that oversees the operations of hospitals nationwide. States generally defer to JCAHO requirements regarding hospital regulation.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of Administrative Hearings, Department of Health and Mental Hygiene (Developmental Disabilities Administration, Office of Health Care Quality, Board of Physicians), Department of Legislative Services

Fiscal Note History: First Reader - February 22, 2005
mp/jr Revised - Senate Third Reader - April 4, 2005
Revised - Enrolled Bill - April 20, 2005

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