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By: **Delegates Murray, Carter, Franchot, Gutierrez, Haynes, Hixson,  
Hubbard, King, Kirk, Lawton, Madaleno, Marriott, Montgomery, Oaks,  
Paige, Parker, Stern, F. Turner, and Vaughn**

Introduced and read first time: February 6, 2006

Assigned to: Health and Government Operations

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A BILL ENTITLED

1 AN ACT concerning

2 **Hospital Patient Safety and Awareness Act**

3 FOR the purpose of requiring certain hospital clinical staff and trainees to wear  
4 badges containing certain identifying information; requiring certain information  
5 to be provided by certain hospitals to a patient before or at the time of  
6 admission; requiring certain clinical staff to contact or assist a patient in  
7 contacting the attending physician; requiring certain hospitals to establish  
8 procedures to provide a certain patient assistance system in which a patient can  
9 access assistance for the resolution of a patient's personal medical care concerns;  
10 establishing that certain provisions do not apply to certain hospitals;  
11 establishing that certain provisions do not create a civil cause of action;  
12 requiring the Secretary of Health and Mental Hygiene to adopt regulations;  
13 defining certain terms; and generally relating to information provided by  
14 hospitals to patients and patient assistance systems.

15 BY adding to

16 Article - Health - General

17 Section 19-377 through 19-383 to be under the new part "Part X. Patient Safety  
18 and Awareness"

19 Annotated Code of Maryland

20 (2005 Replacement Volume and 2005 Supplement)

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

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**Article - Health - General**

2 19-375. RESERVED.

3 19-376. RESERVED.

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## PART X. PATIENT SAFETY AND AWARENESS.

5 19-377.

6 (A) IN PART X OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE  
7 MEANINGS INDICATED.

8 (B) "ATTENDING PHYSICIAN" MEANS AN INDIVIDUAL WHO:

9 (1) IS AUTHORIZED UNDER THE MARYLAND MEDICAL PRACTICE ACT TO  
10 PRACTICE MEDICINE IN THE STATE;

11 (2) HAS MEDICAL STAFF PRIVILEGES AT A HOSPITAL; AND

12 (3) HAS PRIMARY RESPONSIBILITY FOR A PATIENT'S CARE WHILE THE  
13 PATIENT IS IN THE HOSPITAL.

14 (C) (1) "CLINICAL STAFF" MEANS INDIVIDUALS WHO WORK IN A HOSPITAL  
15 WHOSE DUTIES INCLUDE THE PERSONAL CARE OR MEDICAL TREATMENT OF  
16 PATIENTS.

17 (2) "CLINICAL STAFF" INCLUDES:

18 (I) CREDENTIALLED PHYSICIANS;

19 (II) PHYSICIAN ASSISTANTS;

20 (III) NURSES; AND

21 (IV) NURSING ASSISTANTS.

22 (D) (1) "CLINICAL TRAINEE" MEANS AN INDIVIDUAL WHO IS RECEIVING  
23 HEALTH CARE PROFESSIONAL TRAINING IN A HOSPITAL AND WHOSE TRAINING  
24 INCLUDES THE PERSONAL CARE OR MEDICAL TREATMENT OF PATIENTS.

25 (2) "CLINICAL TRAINEE" INCLUDES:

26 (I) RESIDENT PHYSICIANS;

27 (II) INTERNS;

28 (III) MEDICAL STUDENTS; AND

29 (IV) NURSING STUDENTS.

1 (E) "CREDENTIALLED PHYSICIAN" MEANS A LICENSED PHYSICIAN WHO:

2 (1) HAS COMPLETED POSTGRADUATE MEDICAL TRAINING; AND

3 (2) HAS MEDICAL STAFF PRIVILEGES AT A HOSPITAL.

4 (F) "INTERN" MEANS AN INDIVIDUAL WHO IS AN ADVANCED STUDENT OR  
5 GRADUATE IN MEDICINE GAINING SUPERVISED PRACTICAL EXPERIENCE.

6 (G) (1) "PATIENT" MEANS AN INDIVIDUAL WHO IS BEING TREATED BY A  
7 PHYSICIAN IN A HOSPITAL.

8 (2) "PATIENT" INCLUDES:

9 (I) A PATIENT'S REPRESENTATIVE; OR

10 (II) AN INDIVIDUAL AUTHORIZED TO MAKE HEALTH CARE  
11 DECISIONS FOR A PATIENT WHO IS A MINOR OR WHO IS UNABLE TO CONSENT TO  
12 HEALTH CARE TREATMENT, OR BOTH.

13 (H) "RESIDENT PHYSICIAN" MEANS AN INDIVIDUAL:

14 (1) WHO IS PARTICIPATING IN A GRADUATE MEDICAL EDUCATION  
15 PROGRAM; AND

16 (2) WHOSE RELATIONSHIP TO THE PATIENT IS UNDER THE AUSPICES OF  
17 THE MEDICAL EDUCATION PROGRAM.

18 19-378.

19 PART X OF THIS SUBTITLE DOES NOT APPLY TO A HOSPITAL OWNED OR  
20 OPERATED BY THE DEPARTMENT.

21 19-379.

22 (A) ALL HOSPITAL CLINICAL STAFF AND CLINICAL TRAINEES SHALL WEAR  
23 BADGES CLEARLY STATING THE INDIVIDUAL'S:

24 (1) NAME;

25 (2) DEPARTMENT; AND

26 (3) JOB OR TRAINEE TITLE.

27 (B) THE INFORMATION REQUIRED IN SUBSECTION (A) OF THIS SECTION  
28 SHALL BE:

29 (1) CLEARLY VISIBLE; AND

30 (2) STATED IN TERMS OR ABBREVIATIONS LIKELY TO BE UNDERSTOOD  
31 BY THE AVERAGE PERSON.

1 19-380.

2 (A) EXCEPT IN EMERGENCY ADMISSIONS, A HOSPITAL SHALL PROVIDE TO  
3 EACH PATIENT BEFORE OR AT THE TIME OF THE PATIENT'S ADMISSION TO THE  
4 HOSPITAL FOR INPATIENT CARE OR OUTPATIENT SURGERY, WRITTEN INFORMATION  
5 THAT INCLUDES:

6 (1) A DESCRIPTION OF THE GENERAL ROLE OF CLINICAL TRAINEES IN  
7 PATIENT CARE;

8 (2) A STATEMENT THAT:

9 (I) THE ATTENDING PHYSICIAN IS THE PERSON RESPONSIBLE FOR  
10 THE PATIENT'S CARE WHILE THE PATIENT IS IN THE HOSPITAL; AND

11 (II) THE PATIENT'S ATTENDING PHYSICIAN MAY CHANGE DURING  
12 THE PATIENT'S HOSPITALIZATION DEPENDING ON THE TYPE OF CARE OR SERVICES  
13 REQUIRED FOR THE PATIENT;

14 (3) A DESCRIPTION OF THE PATIENT ASSISTANCE SYSTEM AND THE  
15 METHOD FOR ACCESSING IT AS DESCRIBED IN § 19-381 OF THIS SUBTITLE; AND

16 (4) A STATEMENT DESCRIBING GENERALLY WHETHER MEDICAL  
17 STUDENTS, INTERNS, OR RESIDENT PHYSICIANS MAY BE:

18 (I) PARTICIPATING IN A PATIENT'S CARE;

19 (II) MAKING TREATMENT DECISIONS FOR THE PATIENT; OR

20 (III) PARTICIPATING IN OR PERFORMING, IN WHOLE OR IN PART,  
21 ANY SURGERY ON THE PATIENT.

22 (B) THE WRITTEN INFORMATION DESCRIBED IN SUBSECTION (A) OF THIS  
23 SECTION SHALL BE SEPARATE FROM THE GENERAL CONSENT FOR TREATMENT.

24 19-381.

25 (A) (1) IF A PATIENT REQUESTS THAT A NURSE CONTACT THE ATTENDING  
26 PHYSICIAN REGARDING THE PATIENT'S PERSONAL MEDICAL CARE, THE NURSE  
27 SHALL CONTACT THE ATTENDING PHYSICIAN OR THE ATTENDING PHYSICIAN'S  
28 DESIGNEE TO INFORM THE ATTENDING PHYSICIAN OF THE PATIENT'S CONCERN.

29 (2) IF A PATIENT REQUESTS TO PERSONALLY CONTACT THE ATTENDING  
30 PHYSICIAN, THE NURSE SHALL PROVIDE THE PATIENT WITH A TELEPHONE NUMBER  
31 FOR THE ATTENDING PHYSICIAN AND ASSIST THE PATIENT IN CONTACTING THE  
32 PHYSICIAN.

33 (3) CLINICAL STAFF MAY NOTIFY A SUPERVISOR FOR ASSISTANCE IN  
34 CONTACTING AN ATTENDING PHYSICIAN.

1 (B) (1) EACH HOSPITAL SHALL PROVIDE A PATIENT ASSISTANCE SYSTEM  
2 THROUGH WHICH A PATIENT MAY ACCESS PROMPT ASSISTANCE FOR THE  
3 RESOLUTION OF A PATIENT'S PERSONAL MEDICAL CARE CONCERNS.

4 (2) THE PATIENT ASSISTANCE SYSTEM SHALL INCLUDE ACCESS TO A  
5 TELEPHONE NUMBER, BEEPER NUMBER, OR OTHER MEANS OF ALLOWING A PATIENT  
6 TO INDEPENDENTLY ACCESS THE PATIENT ASSISTANCE SYSTEM.

7 (3) A CLINICAL STAFF MEMBER OR A CLINICAL TRAINEE SHALL  
8 PROMPTLY ACCESS THE PATIENT ASSISTANCE SYSTEM IF A PATIENT REQUESTS  
9 SUCH ASSISTANCE.

10 (C) EACH HOSPITAL SHALL ESTABLISH PROCEDURES FOR THE  
11 IMPLEMENTATION OF THE PATIENT ASSISTANCE SYSTEM.

12 19-382.

13 THE SECRETARY SHALL ADOPT REGULATIONS TO CARRY OUT THIS PART.

14 19-383.

15 (A) A HOSPITAL MAY NOT BE HELD LIABLE IN ANY CAUSE OF ACTION ARISING  
16 OUT OF THIS PART.

17 (B) THIS PART MAY NOT BE CONSTRUED TO PRECLUDE A CLAIM THAT MAY  
18 HAVE OTHERWISE BEEN ASSERTED UNDER COMMON LAW OR ANY OTHER PROVISION  
19 OF LAW.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2006.