

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 276 (Delegate Henson)
Health and Government Operations

Congregate Care Facilities - Visitation

This bill requires a “congregate care facility” to allow a patient’s or resident’s family member to visit the patient or resident, unless the facility determines that the presence of a particular visitor would endanger the health or safety of a patient, resident, or member of the facility staff. If such a determination is made, the facility must allow alternative means of communication with the family member, including the use of audio or video calls. The Secretary of Health must adopt regulations to carry out the bill.

Fiscal Summary

State Effect: The bill’s requirements can be handled with existing budgeted resources. Revenues are not affected.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: “Congregate care facility” means (1) a nursing facility; (2) a residential treatment center; (3) a related institution; (4) a home health agency; (5) a nursing home; (6) a hospice facility; (7) an assisted living program facility; (8) a hospital; (9) a limited service hospital; (10) an ambulatory surgical facility; (11) an inpatient facility organized primarily to help in the rehabilitation of disabled individuals; or (12) a freestanding medical facility.

Current Law: In general, congregate care facilities are licensed and inspected by the Maryland Department of Health (MDH). MDH oversees 43 health care industries and community-based provider types. Existing State and federal regulations generally require a facility to create and enforce written visitation policies. MDH periodically receives complaints related to visitation and requires noncompliant providers to develop a plan of correction.

Under federal regulations (42 CFR § 482.13(h)), a hospital must have written policies and procedures regarding the visitation rights of patients, including any clinically necessary or reasonable restriction or limitation the hospital may need to place. A hospital must (1) inform each patient of their visitation rights; (2) inform each patient of the right to receive visitors whom they designate and the right to withdraw or deny consent at any time; (3) not restrict, limit, or otherwise deny visitation privileged on the basis of race, color, national origin, religion, sex, gender identity, sexual orientation, or disability; and (4) ensure that all visitors enjoy full and equal visitation privileges consistent with patient preferences.

Under *Code of Maryland Regulations*, a resident of a residential treatment center has the right to have visitors and make and receive telephone calls in accordance with the center's policies. At the time of admission, a resident of a nursing facility must be informed of the nursing facility's visitation rules. A hospice care program must adopt and implement written policies for the provision of inpatient hospice care, including 24-hour visitation and overnight stays.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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Analysis by: Amberly Holcomb

Direct Inquiries to:
(410) 946-5510
(301) 970-5510