

Department of Legislative Services
Maryland General Assembly
2025 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 828 (Delegate Kipke)
Health and Government Operations

**Health Care Facilities - Rights of Comprehensive and Extended Care Facility
Residents - Hospice Comfort Care**

This bill establishes an exception to a specified basic right of residents in a comprehensive care or extended care facility. The bill specifies that each resident has the right to be free from physical and chemical restraints, except for sedatives, anti-anxiety medication, a bed rail, or a Geri chair (geriatric chair) ordered or authorized by a prescriber, and used in compliance with the order, for a patient receiving hospice care.

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

Current Law: A “general hospice care program” is a coordinated, interdisciplinary program of hospice care services for meeting the special physical, psychological, spiritual, and social needs of dying individuals and their families, by providing palliative and supportive medical, nursing, and other health services through home or inpatient care during the illness and bereavement (1) to individuals who have no reasonable prospect of cure as estimated by a physician and (2) to the families of those individuals.

Medicaid covers hospice services for patients whose physician(s) have certified that their life expectancy is six months or less. In general, hospice services must be related to the palliation or management of the recipient's terminal illness, symptom control, or to enable the individual to maintain activities of daily living and basic functional skills. Continuous home care may be provided in a period of crisis. Short-term inpatient care is covered, as long as it is provided in a participating hospice unit or a participating hospital or nursing facility that meets hospice standards.

Rights of a Resident of a Facility

Generally, under current law, "facility" means a related institution that, under the rules and regulations of the Maryland Department of Health, is a comprehensive care facility or an extended care facility. Maryland regulations define "comprehensive care facility" as a nursing home that admits patients suffering from disease or disabilities or advanced age, requiring medical service and nursing service rendered by or under the supervision of a registered nurse. "Extended care facility" means a nursing home that offers subacute care, providing treatment services for patients requiring inpatient care but who do not currently require continuous hospital services.

It is the policy of the State that, in addition to any other rights, each resident of a facility has the following basic rights:

- the right to be treated with consideration, respect, and full recognition of human dignity and individuality;
- the right to receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant State and federal laws, rules, and regulations;
- the right to privacy;
- the right to be free from mental and physical abuse;
- the right to notice, procedural fairness, and humane treatment when being transferred or discharged from a facility;
- the right to participate in decision making regarding transitions in care, including a transfer or discharge from a facility;
- the right to expect and receive appropriate assessment, management, and treatment of pain as an integral component of the patient's care;
- the right to be free from physical and chemical restraints, except for restraints that a physician authorizes for a clearly indicated medical need;
- the right to receive respect and privacy in a medical care program; and
- the right to manage personal financial affairs.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

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

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