



Maryland
Hospital Association

February 2, 2021

To: The Honorable Shane E. Pendergrass, Chair, House Health & Government Operations Committee

Re: Letter of Support with Amendments - HB 276- Congregate Care Facilities - Visitation

Dear Chair Pendergrass:

On behalf of the Maryland Hospital Association's (MHA) 60 member hospitals and health systems, we appreciate the opportunity to comment on House Bill 276.

Maryland hospitals acknowledge family and friends are vital to a patient's healing journey. Hospitals are subject to state law and federal standards that outline patients' visitation rights and provide flexibilities to hospitals to restrict or limit visitation when clinically necessary.^{1,2} Guidance generally favors patient discretion and choice when allowing visitors.

The COVID-19 pandemic forced hospitals to adapt and take steps to ensure safety of caregivers, patients, and visitors. The Centers for Disease Control and Prevention (CDC) issued guidance to only permit visitors "*essential* for the patient's physical or emotional well-being and care." The CDC also instructed hospitals to assess visitors for COVID-19 symptoms and to manage infection control. Maryland hospitals strictly adhere to federal and state directives—balancing safety with ensuring patients can access essential supports.

Restrictions on visitation policies evolved during the pandemic. The most recent directive from the Maryland Secretary of Health limited visitation to four classes of visitors: compassionate care, parents/guardians with minor children, obstetrics patients, and support persons for individuals with disabilities.³ This mandate was issued when many hospitals were at or near bed capacity. These were dramatic steps to preserve the health care system's ability to care for Marylanders in need.

We recognize these stringent guidelines prevented some in-person visits with friends and family. Although not a replacement, hospitals leveraged technology to encourage virtual contact through FaceTime, Zoom, and other platforms. Some hospitals developed a color-coded system to communicate COVID-19 risk in the community, striving to be as transparent as possible and offer hope that this would not last forever.

¹ Centers for Medicare & Medicaid. 42 CFR § 482.13- [Condition of participation: Patient's rights](#)

² [Health General §19-342](#).

³ Maryland Department of Health. (November 17, 2020). "[Amended Directive And Order Regarding Various Healthcare Matters](#) Pursuant to Md. Code Ann., Health-Gen. §§ 2-104, 18-102, 18-103, 18-205, 18-902, 18-904, Public Safety § 14-3A-03, COMAR 10.06.01.06A, and the Governor's Executive Orders No. MDH 2020-11-17-01

Maryland hospitals support the intent of HB 276—to ensure patients have access to their loved ones— however, Maryland’s statute already ensures access to visitors for hospital patients. Health General §19–342 allows a patient, in accordance with hospital visitation policies, to have “an individual of the patient’s choice remain with the patient for emotional support during the patient’s hospital stay, choose the individuals who may visit the patient, and change the patient’s mind about the individuals who may visit.”.

Since the bill is not limited to visitation occurring during a public health emergency, **we recommend that hospitals covered under Health General §19–342 be removed from the bill or that the statute be cross-referenced.** Hospital visitation policies are included in Health General §19–342 and Health General §6-201, although the latter is specific to a “patient’s or resident’s domestic partner, the children of the patient’s or resident’s domestic partner, and the domestic partner of the patient’s or resident’s parent or child.”.

We recommend changing the “shall” on pg. 2 line 30 to “may” since hospitals have varying levels of resources and technology available to facilitate virtual communication at any given time. Efforts will be made to accommodate requests; however, flexibility is needed.

Hospitals welcome visitors and family members when it is in the patient’s best interest and look forward to the day when restrictions on visitation policies and procedures can be safely lifted. MHA appreciates Delegate Henson’s leadership on this issue and will work together with other stakeholders on ensuring patients receiving care in Maryland have access to their support systems.

For more information, please contact:
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