

Senate Bill 447 – Hospitals – Emergency Medical Conditions – Procedures

Position: Oppose

February 11, 2025

Senate Finance Committee

The University of Maryland Medical System respectfully submits this letter of opposition to Senate Bill 447 – Hospitals – Emergency Medical Conditions – Procedures. As introduced, Senate Bill 447 (“SB 447”) seeks to establish requirements in State law for the screening and care of patients in hospital emergency departments, regardless of insurance status or ability to pay.

The University of Maryland Medical System (UMMS) understands the intent of SB 447 is to expand patient protections by codifying the federal Emergency Medical Treatment and Labor Act (EMTALA) in the Maryland Code. However, as introduced, several provisions in SB 447 are inconsistent with EMTALA, thereby creating two different standards – one state, one federal – for emergency medical care. In addition, as introduced, the bill would potentially allow a hospital and its providers to be penalized under federal and State law, and subject to a private right of action in federal and State court, for a single violation.

Congress first enacted EMTALA in 1986, and the law has effectively guided hospital emergency care for the past four decades. There is considerable federal guidance and oversight on EMTALA, and the law and its requirements are well understood by emergency department personnel. By establishing a different standard under State law, SB 447 may create significant uncertainty surrounding emergency medical care in Maryland hospitals, without providing any additional protections for patients.

For these reasons, the University of Maryland Medical System respectfully requests an *unfavorable* report.

For more information, please contact:

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