



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

June 17, 2021

The Honorable Bill Ferguson
President of the Senate
State House, H-107
Annapolis, MD 21401-1991

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
State House, H-101
Annapolis, MD 21401-1991

Re: Health-General Article § 19-342(f) – Report on compliance of hospitals with the requirements of the Hospitals – Patient’s Bill of Rights Act of 2019 (MSAR # 12122)

Dear President Ferguson and Speaker Jones:

Pursuant to Health-General § 19-342(f), Annotated Code of Maryland, the Maryland Department of Health respectfully submits the attached report on the compliance of hospitals with the requirements of the Hospitals – Patient’s Bill of Rights Act of 2019.

If you have any questions regarding this report, please contact Heather Shek, Director, Office of Governmental Affairs at heather.shek@maryland.gov.

Sincerely,

Dennis R. Schrader
Secretary

cc: Jinlene Chan, MD, MPH, FAAP, Deputy Secretary, Public Health Services
Heather Shek, JD, Director, Office of Governmental Affairs
Sarah Albert, Department of Legislative Services (5 copies)

**Maryland Department of Health
Office of Health Care Quality
Report to the Maryland General Assembly
House Bill 145 – Hospitals – Patient’s Bill of Rights
January 1, 2021**

I. Role of the Office of Health Care Quality in Maryland’s Hospitals

The Office of Health Care Quality (OHCQ) is the agency within the Maryland Department of Health (MDH) charged with monitoring the quality of care in certain health care facilities and community-based programs, including hospitals. Through the authority of the Secretary of Health and/or the Centers for Medicare & Medicaid Services, OHCQ conducts licensure, certification, and survey activities in hospitals to determine compliance with federal and State regulations.

II. House Bill 145 – *Hospitals – Patient’s Bill of Rights*

Effective October 1, 2019, the intent of House Bill 145 was to promote the health, safety, and well-being of patients and foster better communication between patients and health care providers in hospitals through the use of a patient’s bill of rights that specifies the ethical and humane treatment the patient has a right to expect.

House Bill 145 mandates several requirements for hospital administrators to ensure that patients receive their Bill of Rights in inpatient, outpatient, and emergency services. The statute requires hospital administrators to provide patients with a written copy of the Patient’s Bill of Rights or provide them with an alternative format, if necessary, including translation and interpretation services. It requires hospital administrators to post the Patient’s Bill of Rights on the hospital’s website and in areas accessible to patients and visitors. Lastly, the statute requires that hospital administrators provide annual training to all patient care staff to ensure their understanding of the Patient’s Bill of Rights.

House Bill 145 states the minimum requirements for the Patient’s Bill of Rights in 24 specific provisions and requires that it be written in plain language. Twenty-two of the 24 provisions were previously required by either the Centers for Medicare & Medicaid Services or The Joint Commission. The other two provisions were partially addressed through federal or other State law. The right to have a medical screening exam and be provided stabilizing treatment for emergency medical conditions and labor is addressed under the federal EMTALA (Emergency Medical Treatment and Labor Act) law. The right to be provided with an estimate of hospital charges prior to receiving care was partially addressed under another state law.

Finally, House Bill 145 requires OHCQ to monitor hospitals’ compliance with these requirements and share a one-time report with the General Assembly.

III. Education and Training

Following the enactment of House Bill 145, OHCQ directed all hospitals in September 2019 to review their Patient's Bill of Rights and their processes for communicating with the public and training of their staff. OHCQ also worked with the Maryland Hospital Association to raise awareness of these requirements. On November 13, 2019, OHCQ addressed the requirements of HB145 in a presentation at the Maryland Healthcare Education Institute. The program was attended by approximately 80 risk, quality, and compliance representatives from hospitals. Internally, OHCQ revised its current survey tool used to review patient's rights to reflect the requirements of House Bill 145. OHCQ trained the hospital surveyors and supervisors on the statute's requirements and the utilization of the revised survey tool.

IV. Monitoring Hospital Compliance

Based on reviews of hospital websites and their Patient Bill of Rights, OHCQ provided feedback to hospitals that were not in full compliance with the requirements. In some of these initial reviews, the hospital's documents distributed to patients differed from what was on their website. In several instances, some of the rights did not align with the services provided by the hospital. For example, a hospital that does not have an emergency room cannot provide a medical screening examination and stabilizing treatment in the emergency room.

After the hospitals revised their websites and documents, OHCQ again reviewed them to ensure compliance with the requirements. In addition to these reviews, during on-site hospital surveys, OHCQ staff verified the posting of the Patient Bill of Rights and completion of staff training. By January 1, 2021, all Maryland hospitals were in compliance with the requirements of House Bill 145.

Patients' rights remain a priority in hospital oversight. OHCQ will continue to monitor compliance during licensure, certification, and survey activities and will investigate complaints, as appropriate, related to the Patient Bill of Rights.