



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Office of Health Care Quality

7120 Samuel Morse Drive, Second Floor
Columbia, MD 21046

To: Hospital Presidents and CEOs

Patricia Tomsko Nay, MD

From: Patricia Tomsko Nay, MD, Executive Director, Office of Health Care Quality

Re: House Bill 145 / Health General Article §19-342

Date: September 24, 2019

During the 2019 session, the Maryland General Assembly passed House Bill 145, Patient Bill of Rights. House Bill 145, which becomes effective October 1, 2019, requires all hospitals have a Patients' Bill of Rights and make it available to its patients. The law is applicable to all areas of the hospital operated under its license. Hospital-owned outpatient centers and physicians' offices that are not in regulated hospital space are not required to comply with HB 145.

Hospitals have long been required to have a Patient Bill of Rights under the Centers for Medicare and Medicaid Services (CMS) and under their accreditation by The Joint Commission. However, the new statute includes some language that may not be addressed in your hospital's current document. Please ensure that you have reviewed and revised your current Patient Rights documents to incorporate the rights outlined in HB 145. To be in compliance with all federal laws, your revisions must also still include the rights already required by the CMS Condition of Participation for Patient Rights 42 CFR 482.13. In addition, the hospital must also incorporate the requirements of The Joint Commission to maintain your accreditation. It should be noted that this statute requires that hospital patient care staff have annual training on Patients' Rights.

The hospital must also ensure that the Patients' Bill of Rights is available to all patients and visitors. Processes must be implemented to ensure that patients are provided the Patients' Bill of Rights, regardless of the manner the patient enters the hospital (the Emergency Department, a direct admission, labor and delivery, surgery, mental health units, or outpatient services). Patients who are receiving ongoing services or a course of therapy through a program, such as a methadone clinic, cardiac rehabilitation, outpatient physical therapy, or outpatient psychiatry, should receive the Patient Bill of Rights at the time of admission into the program and need not receive it at each visit. The Patients' Bill of Rights must be available in a form that

the patient can understand (Braille and commonly seen languages in your catchment area). Signage must be posted on both inpatient and outpatient units, including the emergency room and waiting rooms.

The law requires the patients receive information about the hospital's and physician's charges for non-emergency care prior to receiving care. Please review and update the hospital's process for providing this information to patients when requested. Additionally, the statute requires that the hospital provide patients or their families with lists of protective and advocacy services, if needed. This is a good opportunity to ensure that the lists are current and available.

HB 145 requires the hospital have a process to file a complaint. CMS has specific requirements for the grievance process under 42 CFR 482.13. State regulations governing complaint procedures can be found at COMAR 10.07.06.11. Your policies and procedures should be reviewed for current compliance with these regulations.

Lastly, the statute requires that the Patients' Bill of Rights be posted on the hospital's website. Please make sure your website is updated with a current copy of the Patients' Bill of Rights.

The Office of Health Care Quality will be monitoring for hospitals' compliance with Health General Article §19-342 during our complaint investigation and oversight activities.

If you have any questions about the requirements of Health General Article §19-342 or the OHCQ's monitoring activities, you may contact Renee Webster, Assistant Deputy Director for Federal Programs at (410) 402-8116.