

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
108TH LEGISLATURE  
FIRST REGULAR SESSION

(Filing No. H-768)

COMMITTEE AMENDMENT "A" to H.P. 755, L.D. 901, Bill, "AN ACT to Establish the Legal Rights of Hospital Patients."

Amend the Bill by striking out the title and inserting in its place the following: 'AN ACT to Set Forth the Rights of Hospital Patients and Responsibilities of Physicians.'

Further amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'22 MRSA c.402 is enacted to read:

CHAPTER 402

RIGHTS OF HOSPITAL PATIENTS

AND RESPONSIBILITIES OF PHYSICIANS

§1731. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. Hospital. "Hospital" shall mean any health care facility located in this state which is licensed as a "hospital" by the Department of Human Services.

2. Patient. "Patient" means a person who is admitted for in patient care at a hospital for a continuous period longer than 24 hours for the purpose of diagnosis or treatment bearing on the physical and mental health of that person.

3. Physician. "Physician" means any person licensed to practice allopathic or osteopathic medicine in the state.

S1732. Declaration of Policy; Rights of Patients in Hospitals  
Policy declaration.

1. /It is declared to be the public policy of this state that the interests of each patient be protected by a declaration of a patient's bill of rights which declaration shall be adopted by every hospital as a condition of continued licensure.

Statement of rights.

2. / The statement of rights shall include the following.

a. Every patient shall have the right to considerate and respectful care, including privacy in treatment to the extent practicable and in care for personal needs.

b. Every patient has the right to be fully informed, prior to or at the time of admission and during stay, of all rules and regulations governing patient conduct and responsibilities.

c. Every patient's civil and religious liberties, including the right to independent personal decisions and knowledge of available choices, shall not be infringed and the hospital shall encourage and assist in the fullest possible exercise of these rights.

d. Every patient shall be assured confidential treatment of his personal and medical records, and may approve or refuse their release to any individual outside the hospital, except as otherwise provided by law or a third party payment contract or in the case of transfer to another health care facility.

e. Every patient has the right to be fully informed, in response to a patient's inquiry, prior to or at the time of admission and during his stay, of services available in the hospital, and of related charges not covered under Blue Cross, Medicare, Medicaid or not covered by the hospital's basic per diem rate.

f. Every patient has the right to expect transfer or discharge only for medical reasons or for his welfare or that of other patients, and the patient shall be given reasonable advance notice to ensure orderly transfer or discharge.

g. Every patient has the right to be afforded the opportunity to participate in the planning of his medical treatment; to refuse to participate in experimental research; and to refuse medication and treatment.

h. Every patient has the right to expect the hospital to make a reasonable response to his requests for service.

i. Every patient shall have the right to be free from mental and physical abuse and free from chemical and physical restraints, except in emergencies, or as authorized by his physician for a specified and limited period of time, or when necessary to protect the patient from injury to self or others.

j. Every patient has the right to associate and communicate privately with persons of his choice to the extent that facilities are available and to the extent that such is not medically contraindicated, as documented by his physician in the medical record.

k. Every patient has the right to present grievances on his behalf to the hospital's staff, administration, and governing board; to government officials, or to any other person free from restraint, interference, coercion, discrimination or reprisal and every hospital shall indicate to each patient, at the time of admission, the procedure established within that hospital for the presentation of grievances and complaints.

§1733. Responsibilities of Physician to Patient in Hospital  
Interests of patient.

1. / It is declared to be the public policy of this state that the interests of each patient be protected by a declaration

of the responsibilities of the physician to his patient which declaration shall be agreed to by the physician as a condition to the receipt of staff privileges within the hospital.

2. <sup>Contents of physician's statement.</sup> / The statement of physician responsibilities shall

include the following.

a. The physician has the responsibility to provide his patient with complete and current information concerning the patient's diagnosis, treatment and prognosis in terms that the patient can be reasonably expected to understand. In cases where it is not medically advisable to give such information to the patient, the information may be made available to an appropriate person when, in the judgment of the physician, it would be in the patient's best interest.

b. The physician has the responsibility to provide his patient with information necessary to allow the patient to give informed consent, prior to the start of treatment. Except in emergencies, such information should include the treatment or procedure, and the usual and most frequent risks and hazards inherent in the proposed procedures or treatments.

c. The physician has the responsibility to inform the patient of the medical consequences, in the event the patient refuses treatment.

d. The physician has the responsibility to inform the patient of the need for, and alternatives to, any transfer to another health care facility.

e. The physician has the responsibility to recommend consultation with other physicians or specialists when requested by the patient or when medically indicated.

f. The physician has the responsibility to advise the patient of the patient's involvement in a research project.

g. The physician has the responsibility to listen and discuss any complaints the patient has regarding his case.

#### B1734 Information concerning rights

1. Furnished to patient. Each hospital shall supply each patient, at the time of admission, with a list of the rights adopted as hospital policy to the extent practicable. Each hospital shall include in this list the name or names of the person or group to whom the patient can complain in case of a possible violation of rights.

#### Statement of Fact

No catalogue of rights can guarantee for the patient the kind of treatment he has a right to expect. A hospital has many functions to perform, including the prevention and treatment of disease, the education of both health professionals and patients, and the conduct of clinical research. All these activities must be conducted with an overriding concern for the patient, and, above all, the recognition of his dignity as a human being. Success in achieving this recognition assures success in the defense of the rights of the patient.

Reported by the Majority of the Committee on Health and Institutional Services.

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