

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

(Filing No. H-769)

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

Amend the Bill by striking out all of the title and
inserting in its place the following: 'AN ACT to Require
Hospitals to Establish Rights for their Patients.'

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

§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 inpatient care at a hospital for a continuous period
longer than 24 hours for the purpose of diagnosis or treat-
ment bearing on the physical and mental health of that person.

§1732. Bill of patient's rights

Each hospital, licensed and operating within the State,
shall, by January 1, 1978, adopt a bill of patient's
rights. These rights shall have been approved by the hospital's
governing board and shall become part of hospital policy in

accordance with the bylaws of the hospital. The adoption of a patient's bill of rights as part of hospital policy shall become a condition of licensure with the Department of Human Services and shall become a part of any contract between the hospital and patient upon admission.

§1733. Enumeration of rights

The bill of patient's rights adopted as hospital policy in accordance with section 1732 shall address each of the following areas separately and shall as a whole be of a standard comparable to the bill of patient's rights adopted by the American Hospital Association House of Delegates on February 6, 1973.

There shall be a right addressing:

1. Kind of care. The kind of care a patient ought to expect while hospitalized;
2. Information; amount and type. The amount and type of information concerning the patient's diagnosis, treatment and prognosis that a patient can expect to obtain from the physician in charge of coordinating his care.
3. Informed consent. Informed consent prior to the start of any procedure and treatment and the name of the person responsible for the procedures and treatment.
4. Refusal of treatment. Refusal of treatment by the patient;
5. Patient privacy. Patient privacy concerning his medical care program;

6. Confidentiality. The confidentiality of patient records:

7. Response time. The response time concerning a patient's request for services and information concerning any intended transfer of the patient by the hospital:

8. Information. Information regarding human experimentation of the patient to be performed on him while in the hospital and information on the hospital's relationship to any educational institution insofar as his care is concerned:

9. Continuity. Continuity of care:

10. Explanation of bill. The explanation of the patient's bill regardless of payment source:

11. Rules and regulations. The rules and regulations of the hospital as they apply to the patient's conduct and responsibility as a patient:

12. Visitation rights. Visitation rights by family of the patient including separate clauses for the terminally ill and children:

13. Examination of medical records. The examination of his medical record by the patient:

14. Identity of professionals. The identity of those professionals who care for the patient; and

15. Maternity admissions. The role of each parent in maternity admissions, including the participation of each in child delivery.

§1734. Appointment of a person or group to whom the patient can report violation of his rights

Each hospital shall by January 1, 1978, designate a person or group which shall receive complaints of the patient concerning a possible violation of patient rights. This person shall not be the chief administrative officer of the hospital.

§1735. 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 whenever practicable. Each hospital shall also 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 catalog 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 /^{conducting} 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 Minority of the Committee on Health and Institutional Services.

6/21/77

Reproduced and distributed under the direction of the Clerk of the House.

(Filing No. H-769)