

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

**Legislative Document**

**No. 570**

S. P. 203

In Senate, February 2, 1981

Referred to the Committee on Health and Institutional Services. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Pierce of Kennebec.

Cosponsor: Senator Gill of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

**AN ACT to Set Forth the Rights and Responsibilities of Hospital Patients and the Responsibilities of Physicians.**

Be it enacted by the People of the State of Maine, as follows:

22 MRSA c. 402 is enacted to read:

**CHAPTER 402**

**RIGHTS AND RESPONSIBILITIES OF HOSPITAL  
PATIENTS AND RESPONSIBILITIES  
OF PHYSICIANS**

**§ 1731. Definitions**

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

1. **Hospital.** "Hospital" means any health care facility located in this State which is licensed as a hospital by the Department of Human Services pursuant to chapter 405.

2. **Patient.** "Patient" means a person admitted to a hospital as an inpatient for a continuous period, longer than 24 hours, for health services.

3. **Physician.** "Physician" means a person authorized by law to practice medicine or osteopathic medicine within this State.

**§ 1732. Patient rights**

A patient in a hospital has the following rights:

1. **Treatment or services.** To receive prompt, competent, humane and appropriate medical treatment or services regardless of source of payment;
2. **Privacy.** To privacy in receiving treatment or services, caring for personal needs, storing personal property and communicating with other persons, to the extent practicable;
3. **Religious and civil liberties.** To exercise religious and civil liberties to the extent that other patients are not thereby deprived of any right enumerated in this chapter;
4. **Explanation of services.** To receive, upon request, explanation of services provided at the hospital, the hospital's per diem charge and the charge for services not included in the per diem rate;
5. **Copy and explanation of bill.** To receive, upon request, a copy and explanation of his bill regardless of source of payment;
6. **Transfer or discharge.** To be transferred or discharged only when medically advisable, or for his welfare or that of other patients;
7. **Experiments, research and educational programs.** To refuse to participate in experiments, research and educational programs;
8. **Release of patient's record.** To refuse to permit the patient's personal and medical record to be released to a person outside the hospital, except in the case of a transfer or when otherwise provided by law;
9. **Physicians and staff.** To receive, upon request, the name, professional status and relationship to the hospital of any physician or staff member responsible for the patient's care;
10. **Physical and mental abuse.** To be free from physical and mental abuse;
11. **Presentation of grievances.** To present grievances to a person designated by the hospital regarding any alleged violation of the rights in this chapter;
12. **Notice of rights.** To be given reasonable notice by the hospital of the rights provided in this chapter and all appropriate facility rules and regulations concerning the patient's conduct and responsibilities; and
13. **Consultation.** To request his physician to secure a consultation when the patient desires to have his physician do so.

**§ 1733. Patient responsibilities**

Nothing in this chapter may be construed to limit or waive a hospital's duty to establish and enforce reasonable rules of patient conduct, including:

1. **Appointments.** Keeping appointments or notifying the hospital in advance when unable to do so;
2. **Medical history.** Furnishing information concerning prior illnesses and hospitalizations, medications and other facts relating to the patient's medical history;
3. **Ability to pay.** Furnishing complete and accurate information concerning the patient's ability to pay or source of payment; and
4. **Rights of other patients.** Being considerate of other patients, particularly with regard to visitors, noise and smoking.

**§ 1734. Physician's duties**

An attending physician or the physician who admits a patient to a hospital shall:

1. **Consent.** Provide the patient with information in accordance with Title 24, section 2905, concerning informed consent to health care treatment;
2. **Current information.** Provide, upon the patient's request, current information concerning the patient's diagnosis, treatment and prognosis in terms which the patient can reasonably be expected to understand;
3. **Consultation.** Secure consultation with other physicians when requested by the patient and when consultation is available; and
4. **Programs; right to refuse.** Inform the patient of any research, experimentation or educational programs involving the patient and of the patient's right to refuse to participate in such activities.

**§ 1735. Limitation**

The rights and responsibilities enumerated in this chapter may be limited or temporarily suspended in a medical emergency, to the extent a physician indicates a valid medical reason therefor in the patient's medical record, or to the extent required to preserve the rights of other patients of the hospital.

**§ 1736. Remedy**

A hospital or physician that violates a right enumerated in section 1732, and a physician who fails to perform the duties enumerated in section 1734, is liable for compensatory damages in a civil action.

**STATEMENT OF FACT**

The purpose of this bill is to set forth the rights and responsibilities of hospital

patients, as well as the responsibilities of physicians to those patients. 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.