



Maryland
Hospital Association

HB 364 – Health Care Practitioners -- Medical Examinations on Anesthetized or Unconscious Patients

Position: *Support*

Bill Summary

HB 364 would prohibit health care practitioners and certain students and trainees from performing certain examinations on a patient who is under anesthesia or unconscious unless informed consent has been obtained from the patient for the examination, the examination is within the scope of care, or the patient is unconscious and the examination is required for diagnostic purposes; and would authorized certain health occupations boards to take certain actions against certain health care practitioners under certain circumstances, and more.

MHA Position

Under Maryland's unique Total Cost of Care agreement with the federal government, Maryland's hospitals are working to lower costs and improve population health. In addition to treating illness and injury, hospitals are reaching out beyond their four walls to keep people well and improve the health of the communities they serve. The result: hospitals are taking care of the whole person, empowering patients and families, coordinating care among different providers, and addressing social factors that influence people's health.

Maryland's hospitals therefore support HB 364. Informed consent is not just a signature on a piece of paper, but a process of communication between provider and patient. It is therefore the bedrock of everything hospitals, and the doctors, nurses and other professionals who deliver care within them, believe about taking care of people. Except in an emergency, when life-or-death situations might demand instant decisions by a provider, informed consent must be provided by a patient, or their family member, before any procedure is begun. This applies to all patients.

Every hospital in Maryland has this policy, including our institutions of medical education. Further, under Maryland law, a physician must inform a patient of the benefits, risks and alternatives associated with any proposed procedure or course of treatment. The purpose of existing law, and of federal regulations on the issue, is to nurture that process of communication, and give the patient the information needed to make an informed decision. HB 364 would provide a specific reference in law to medical school students and trainees and is consistent with current practice in Maryland's hospitals.

For these reasons, we respectfully urge a *favorable* report.