

HOUSE BILL NO. 604

Introduced: 02/01/83

Referred to Committee on Human Services: 02/01/83

Hearing: 2/18/83

Report: 02/21/83, Do Pass, As Amended

2nd Reading: 02/22/83, Do Pass

3rd Reading: 02/23/83, Do Pass

Transmitted to Senate: 02/23/83

Referred to Committee on Public Health, Welfare, & Safety:

3/1/83

Hearing: 3/11/83

Report: 3/23/83, Be Not Concurred In

Bill Killed: 3/23/83

1 *House* BILL NO. *604*
 2 INTRODUCED BY *W. Manning, Sen. Harper*
 3 *Richard E. Manning, Borghel*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A LIST OF
 5 RIGHTS FOR PATIENTS AND RESIDENTS OF HOSPITALS AND CERTAIN
 6 ENUMERATED FACILITIES; PROVIDING THAT A PATIENT MUST BE
 7 INFORMED OF THESE RIGHTS; ALLOWING THE RIGHTS TO BE
 8 DISALLOWED FOR MEDICALLY RELATED REASONS."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Purpose. The purpose of [this act] is to
 12 set forth fundamental human rights to which all patients or
 13 residents of a hospital, long-term care facility,
 14 roominghouse, or retirement home are entitled and to ensure
 15 that patients and residents of such facilities are advised
 16 of these rights and the corresponding obligations of the
 17 facility.

18 Section 2. Patient rights. (1) The governing body of a
 19 hospital, long-term care facility as defined in 50-5-101, or
 20 roominghouse or retirement home as defined in 50-51-102
 21 shall establish written policies regarding the rights of
 22 patients and the corresponding obligations of the facility,
 23 its staff, and any attending physician. These written
 24 policies must be made available to patients and residents,
 25 and any guardian, next of kin, or legal representative of

1 the patient.

2 (2) In fulfillment of subsection (1), each patient or
 3 resident admitted to the hospital or facility must be
 4 informed of:

5 (a) the right to know and participate in decisions
 6 concerning his treatment;

7 (b) the right to voice grievances without fear of
 8 reprisal;

9 (c) the right to manage his own finances or to receive
 10 a quarterly accounting of financial transactions made on his
 11 behalf if he has delegated that responsibility to the
 12 facility;

13 (d) the right to be fully informed of services
 14 available and of any fees or charges for those services;

15 (e) the right to be fully informed of his medical
 16 condition, unless a physician documents in the patient's
 17 record his reasons for not informing the patient;

18 (f) the right to receive from the staff of the
 19 facility a reasonable response to his requests;

20 (g) the right to associate and communicate privately
 21 or socially with persons or groups of his choice and to send
 22 and receive his personal mail unopened, unless a physician
 23 documents in the patient's record reasons for not allowing
 24 this right;

25 (h) the right not to be transferred or discharged

1 except for medical reasons, his welfare, the welfare of
2 other patients, or nonpayment, except upon advance notice to
3 ensure orderly transfer or discharge;

4 (i) the right to be free from mental and physical
5 abuse and free from chemical and physical restraints, except
6 as authorized in writing by a physician for a specified and
7 limited period of time or unless the restraint is necessary
8 to protect the patient from injury to himself or others;

9 (j) the right to be treated with consideration,
10 respect, and recognition of his dignity and individuality;

11 (k) the right to retain and use his personal clothing
12 and possessions as space permits, unless such right would
13 infringe on the rights of other patients or a physician
14 documents in the patient's record a medical reason for not
15 allowing this right;

16 (l) the right to not be required to perform services
17 for the facility that are not included for therapeutic
18 purposes in his plan of care;

19 (m) the right, if married, to privacy in visits with
20 his spouse or, if both are inpatients at the facility, the
21 right to share a room, unless a medical reason for denying
22 this right is documented by a physician in the patient's
23 record; and

24 (n) the right to have the name, address, and phone
25 number of his physician at his bedside.

1 (3) This section may not be construed as imposing any
2 new obligations or standards on hospitals, long-term care
3 facilities, roominghouses, or retirement homes other than in
4 regard to notification and explanation.

-End-

Approved by Comm. On Human Services

HOUSE BILL NO. 604

INTRODUCED BY WALLIN, GAGE,

HARPER, R. MANNING, BERGENE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING ~~A LIST OF~~
~~RIGHTS FOR PATIENTS AND RESIDENTS OF HOSPITALS AND CERTAIN~~
~~ENUMERATED FACILITIES; PROVIDING THAT A PATIENT MUST BE~~
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residents of a hospital, ~~OR~~ long-term care facility,
~~roominghouse or retirement home~~ are entitled and to ensure
that patients and residents of such facilities are advised
of these rights and the corresponding obligations of the
facility.

Section 2. Patient rights. ~~§§~~ The governing body of a
hospital, ~~OR~~ long-term care facility as defined in 50-5-101,
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patients and the corresponding obligations of the facility,
its staff, and any attending physician. These written
policies must be made available to patients and residents,

and any guardian, next of kin, or legal representative of
the patient.

~~(2) in fulfillment of subsection (1), each patient or~~
~~resident admitted to the hospital or facility must be~~
~~informed of:~~

~~(a) the right to know and participate in decisions~~
~~concerning his treatment;~~

~~(b) the right to voice grievances without fear of~~
~~reprisal;~~

~~(c) the right to manage his own finances or to receive~~
~~a quarterly accounting of financial transactions made on his~~
~~behalf if he has delegated that responsibility to the~~
~~facility;~~

~~(d) the right to be fully informed of services~~
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~~and receive his personal mail unopened, unless a physician~~
~~documents in the patient's record reasons for not allowing~~
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1 (h) -- the right not to be transferred or discharged
 2 except for medical reasons, his welfare, the welfare of
 3 other patients or nonpayment, except upon advance notice to
 4 ensure orderly transfer or discharge;
 5 (i) -- the right to be free from mental and physical
 6 abuse and free from chemical and physical restraints, except
 7 as authorized in writing by a physician for a specified and
 8 limited period of time or unless the restraint is necessary
 9 to protect the patient from injury to himself or others;
 10 (j) -- the right to be treated with consideration
 11 respect and recognition of his dignity and individuality;
 12 (k) -- the right to retain and use his personal clothing
 13 and possessions as space permits, unless such right would
 14 infringe on the rights of other patients or a physician
 15 documents in the patient's record a medical reason for not
 16 allowing this right;
 17 (l) -- the right to not be required to perform services
 18 for the facility that are not included for therapeutic
 19 purposes in his plan of care;
 20 (m) -- the right, if married, to privacy in visits with
 21 his spouse or, if both are inpatients at the facility, the
 22 right to share a room, unless a medical reason for denying
 23 this right is documented by a physician in the patient's
 24 records; and
 25 (n) -- the right to have the name, address and phone

1 number of his physician at his bedside;
 2 (3) -- This section may not be construed as imposing any
 3 new obligations or standards on hospitals, long-term care
 4 facilities, roominghouses or retirement homes other than in
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 RIGHTS--FOR--PATIENTS-AND-RESIDENTS-OF-HOSPITALS-AND-CERTAIN
 ENUMERATED-FACILITIES; PROVIDING THAT A PATIENT MUST BE
 INFORMED OF THESE HIS RIGHTS;--ALLOWING-THE-RIGHTS-TO-BE
 DISALLOWED-FOR-MEDICALLY-RELATED-REASONS."

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 that patients and residents of such facilities are advised
 of these rights and the corresponding obligations of the
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Section 2. Patient rights. (1) The governing body of a
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 or roominghouse or retirement home as defined in 50-5-102
 shall establish written policies regarding the rights of
 patients and the corresponding obligations of the facility,
 its staff, and any attending physician. These written
 policies must be made available to patients and residents,

and any guardian, next of kin, or legal representative of
 the patient.

(2)--in-fulfillment-of-subsection-(1), each patient--or
 resident--admitted--to--the--hospital--or--facility--must-be
 informed-of:

(a)--the-right-to-know-and-participate-in-decisions
 concerning-his-treatment;

(b)--the-right-to-voice-grievances-without-fear-of
 reprisal;

(c)--the-right-to-manage-his-own-finances-or-to-receive
 a-quarterly-accounting-of-financial-transactions-made-on-his
 behalf-if-he-has-delegated-that-responsibility-to-the
 facility;

(d)--the-right-to-be-fully-informed-of-services
 available-and-of-any-fees-or-charges-for-those-services;

(e)--the-right-to-be-fully-informed-of-his-medical
 condition--unless-a-physician-documents-in-the-patient's
 record-his-reasons-for-not-informing-the-patient;

(f)--the-right-to-receive-from-the-staff-of-the
 facility-a-reasonable-response-to-his-requests;

(g)--the-right-to-associate-and-communicate-privately
 or-socially-with-persons-or-groups-of-his-choice-and-to-send
 and-receive-his-personal-mail-unopened--unless-a-physician
 documents--in--the-patient's-record-reasons-for-not-allowing
 this-right;

(h) the right not to be transferred or discharged except for medical reasons; his welfare, the welfare of other patients, or nonpayment, except upon advance notice to ensure orderly transfer or discharge;

(i) the right to be free from mental and physical abuse and free from chemical and physical restraints, except as authorized in writing by a physician for a specified and limited period of time or unless the restraint is necessary to protect the patient from injury to himself or others;

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(m) the right, if married, to privacy in visits with his spouse or, if both are inpatients at the facility, the right to share a room, unless a medical reason for denying this right is documented by a physician in the patient's records; and

(n) the right to have the name, address, and phone

number of his physician at his bedside;

(3) This section may not be construed as imposing any new obligations or standards on hospitals, long-term care facilities, roominghouses, or retirement homes other than in regard to notification and explanation.

-End-