

Article 43 --- Health
 Section 565C(1)
 Annotated Code of Maryland
 (1971 Replacement Volume and 1979 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

Article 43 - Health

565C.

(a) -- It is the intent of the General Assembly and the purpose of this section to promote the interests and well-being of the patients and residents of skilled nursing facilities and intermediate care facilities. It is declared to be the public policy of this State that the interests of the patient be protected by a declaration of a patient's bill of rights and by requiring that the facilities treat their patients in accordance with the provisions of this bill of rights, which shall include, but not be limited to, the following:

(15) -- Every patient and resident has the right, personally or through other persons or in combination with others, to present grievances and recommend changes in policies and services on behalf of himself or others to the facility's staff or administrator, the State Office on Aging, or other persons or groups, OR TO TAKE CIVIL ACTION, without fear of reprisal, restraint, interference, coercion, or discrimination.

(1) -- TO ENFORCE THE PROVISIONS OF THIS SECTION, A CAUSE OF ACTION MAY BE MAINTAINED IN LAW OR EQUITY, WITHOUT PRIOR EXHAUSTION OF ADMINISTRATIVE REMEDIES. A PATIENT, SPOUSE, OR CHILDREN OF THE PATIENT, LEGALLY APPOINTED GUARDIAN, OR NEXT FRIEND MAY MAINTAIN AN ACTION FOR ANY TYPE OF RELIEF PERMITTED BY LAW, INCLUDING INJUNCTIVE AND DECLARATORY RELIEF, COMPENSATORY AND PUNITIVE DAMAGES, AND ATTORNEY'S FEES.

(h) (1) The State Director on Aging shall undertake an independent investigation of all grievances concerning skilled nursing facilities or intermediate care facilities presented to the State Office on Aging. Upon completion of his investigation, the State Director on Aging shall report his findings to the complainants, and act in accordance with the duties set forth in Article 70B under the subheading Nursing Homes.

(2) A PATIENT, RESIDENT, OR THE NEXT OF KIN OR GUARDIAN OF A PATIENT MAY FILE A COMPLAINT WITH THE STATE OFFICE ON AGING AND THE DIVISION OF LICENSING AND CERTIFICATION ALLEGING A VIOLATION OF SUBSECTION (A)(1) THROUGH (17) OF THIS SECTION. ALL COMPLAINTS SHALL BE