

Article - Health - General

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§19–214.3.

(a) (1) (i) The Commission shall establish a process for a patient or a patient's authorized representative to file with the Commission a complaint against a hospital for an alleged violation of § 19–214.1 or § 19–214.2 of this subtitle.

(ii) The process established under subparagraph (i) of this paragraph shall:

1. Include the option for a patient or a patient's authorized representative to file the complaint jointly with the Commission and the Health Education and Advocacy Unit; and

2. Provide the patient or the patient's authorized representative with the following information:

A. The Health Education and Advocacy Unit is available to assist the patient or the patient's authorized representative in filing and mediating a reconsideration request; and

B. The address, phone number, facsimile number, e-mail address, mailing address, and website of the Health Education and Advocacy Unit.

(2) (i) Subject to subparagraph (ii) of this paragraph, a complaint filed with the Commission is a public record and is subject to reasonable inspection.

(ii) The Commission shall deny inspection of the complainant's name, address, or any other personal identifying information.

(3) The filing of a complaint under this subsection does not prevent an individual from:

(i) Exercising any right or seeking any remedy to which the individual may otherwise be entitled; or

(ii) Filing a complaint with any other agency or a court.

(b) (1) The remedies authorized under this section are in addition to any other statutory, legal, or equitable remedies that may be available and are not intended to be a prerequisite to, or exclusive of, any other remedy.

(2) An individual or a governmental unit is not required to exhaust the administrative remedy authorized under this subtitle before filing suit.

(c) (1) A waiver by any patient or other individual of any protection provided by § 19–214.1, § 19–214.2, or § 19–214.4 of this subtitle or any regulation adopted under this subtitle is null and void as being against the public policy of the State.

(2) Except as prohibited by federal law, a provision in a hospital's financial assistance policy or agreement between the patient and a hospital that waives any substantive or procedural right or remedy related to conduct prohibited by § 19–214.1, § 19–214.2, or § 19–214.4 of this subtitle or any regulation adopted under this subtitle is null and void as being against the public policy of the State.

(d) (1) If a hospital knowingly violates any provision of § 19–214.1 or § 19–214.2 of this subtitle or any regulation adopted under this subtitle, the Commission may impose a fine not to exceed \$50,000 per violation.

(2) Before imposing a fine, the Commission shall consider the appropriateness of the fine in relation to the severity of the violation.

(3) A violation by a hospital or an outside collection agency of § 19–214.1 or § 19–214.2 of this subtitle or any regulation adopted under this subtitle is an unfair, abusive, and deceptive trade practice under the Maryland Consumer Protection Act.

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