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PRESS RELEASE

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Attorney General Brown Announces 2024 Legislative Priorities *Attorney General's Agenda Focuses on Access to Quality and Affordable Healthcare and Increased Fairness in Holding Wrongdoers Accountable for Harm to Marylanders*

BALTIMORE, MD (January 10, 2024) – Maryland Attorney General Anthony G. Brown today announced his priority legislation for the 2024 General Assembly session. His initiatives are aimed at increasing transparency and accountability in the healthcare sector and recovering damages in certain environmental and other public welfare cases in a more equitable way so that wrongdoers are held responsible in proportion to the amount of harm they cause.

“Our legislative agenda is focused on protecting the health, safety, and well-being of Marylanders,” **said Attorney General Brown**. “Our proposals hold wrongdoers who create statewide damage to public health, safety, the environment, and Marylanders accountable according to their level of responsibility, enhance the enforcement authority of the Office of the Attorney General for violations that occur in nursing homes as well as in assisted living facilities, and ensure that all Marylanders are aware of and can properly consent to out-of-network healthcare fees and hospital outpatient facility fees.”

Attorney General Brown’s 2024 legislative priorities include:

- **Increasing Fairness in Holding Environmental Wrongdoers Accountable and Recovering Damages for Marylanders in Civil Public Welfare Lawsuits:** The Attorney General proposes adjusting current law to hold corporations accountable in proportion to the actual amount of environmental, health, safety, or other public welfare harm that they cause to the State.
- **Enhancing Enforcement of the Patients’ Bill of Rights:** The Attorney General supports extending the same rights and enforcements powers under the Patients’ Bill of Rights (PBOR) that are available in nursing homes to assisted living facilities, where residents must also be protected from abuse. Therefore, he is proposing to expand the Office’s ability to seek relief and penalties when certain rights and guarantees enshrined in the PBOR are violated, including an individual’s right to:

- Receive treatment, care, and services that are adequate, appropriate, and in compliance with relevant laws and regulations;
 - Be free from mental and physical abuse;
 - Be free from physical and chemical restraints; and
 - Manage their personal financial affairs.
- **Requiring Prior Notice and Consent for Out-of-Network Procedures and Hospital Outpatient Facility Fees:** The Office of Attorney General has received an increasing number of complaints from consumers who select an in-network healthcare provider who then schedules the consumer for surgery at an out-of-network facility. Consumers are being referred to facilities without realizing that they are out-of-network, and are then being billed at higher rates than they would have been at an in-network facility. To make healthcare costs more transparent, the Attorney General proposes to:
 - Strengthen consumer notice requirements by:
 - Requiring out-of-state hospitals that provide outpatient services to patients in facilities located in Maryland to provide facility fee notices to consumers; and
 - Expanding the list of outpatient services that require hospitals to give outpatient facility fee notices to consumers.
 - Require that out-of-network healthcare facilities give consumers notice and receive the consumers' written consent before treating them at an out-of-network healthcare facilities. The notice would need to:
 - Inform the consumer that the healthcare facility is out-of-network and will likely cost the consumer more in out-of-pocket expenses; and
 - Include a written estimate of the costs of the procedure; and
 - Commission a study of the long-term impacts of facility fees on the Maryland healthcare system, including the impact on consumers, employers, healthcare providers, hospitals, access to care, and health equity.

Attorney General Brown also intends to pursue legislation that:

- Authorizes his Medicaid Fraud and Vulnerable Victims Unit to issue subpoenas which will enhance the Unit's ability to conduct healthcare fraud and abuse investigations;
- Expands available benefits for individuals exonerated of crimes who are seeking compensation from the State under the Walter Lomax Act to help them rebuild their lives after prison; and
- Expands his Consumer Protection Division's enforcement authority to address a wider variety of deceptive practices in the marketplace.

The Office of the Attorney General is looking forward to the 2024 session of the Maryland General Assembly and to working together with lawmakers towards a more just and equitable State for all Marylanders.

<https://www.marylandattorneygeneral.gov/press/2024/011024.pdf>