

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1130 (Delegate Valentino-Smith, *et al.*)  
Health and Government Operations

Finance

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Residential Treatment Centers - Mandatory Reporting of Inappropriate Sexual Behavior

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This bill requires that a privately owned and operated residential treatment center be subject to specified reporting requirements established by the Maryland Department of Health (MDH) that apply when a staff member observes, receives a complaint regarding, or otherwise has reason to believe that an individual has been subjected to inappropriate sexual behavior. **The bill takes effect July 1, 2018.**

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Fiscal Summary

**State Effect:** The bill's requirements can be handled with existing resources. Revenues are not affected.

**Local Effect:** None.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Under Maryland regulations, "inappropriate sexual behavior" means (1) any sexual act between any staff member and any individual receiving services from the covered program and (2) any abusive sexual act between any individual served by the covered program and any other individual, including another individual served by the program.

Any staff member who observes, receives a complaint regarding, or otherwise has reason to believe that an individual has been subjected to inappropriate sexual behavior must file

a report with the program director promptly. In no circumstances may the report be filed more than one working day after the staff member becomes aware of the situation.

Upon the receipt of a report, the program director must (1) immediately ensure the safety, security, privacy, and emotional support of the individual or individuals involved, and ensure that any medically appropriate care is provided and (2) report the incident within one working day to specified State agencies, Disability Rights Maryland (DRM), and law enforcement, as appropriate. Any report must be made using the form required by MDH. The program director must also report to specified State agencies and to law enforcement, as appropriate, the results of any investigation conducted by the program.

**Background:** DRM, formerly the Maryland Disability Law Center, is the federally appointed protection and advocacy agency for individuals with disabilities in Maryland. DRM and the Office of Health Care Quality within MDH advise that six of the eight total residential treatment centers operating in the State are privately owned and operated and, therefore, are not required by regulation to submit reports of inappropriate sexual behavior to the State, DRM, or local law enforcement. Thus, DRM frequently receives only informal reports of abuse from these facilities, delaying or inhibiting a thorough investigation of allegations.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland Department of Health; Disability Rights Maryland; Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2018  
md/jc Third Reader - March 20, 2018

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