

HOUSE BILL 1060

J1

9lr2849

By: **Delegate Washington**

Introduced and read first time: February 8, 2019

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Rehabilitation Programs – Reporting of Critical Incidents**

3 FOR the purpose of requiring the Secretary of Health to provide the address of a residential
4 rehabilitation program to certain entities within a certain time period before issuing
5 a certain license; requiring the administrative head of a residential rehabilitation
6 program to report a certain critical incident to certain entities within a certain time
7 period after receiving certain notification; requiring a certain local behavioral health
8 authority to conduct a certain assessment and evaluation within a certain time
9 period after receiving a certain report; defining certain terms; and generally relating
10 to critical incidents at residential rehabilitation programs.

11 BY adding to
12 Article – Health – General
13 Section 10–714
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2018 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
17 That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 **10–714.**

20 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
21 **INDICATED.**

22 **(2) “CRITICAL INCIDENT” INCLUDES:**

23 **(I) THE DEATH OF A PROGRAM PARTICIPANT;**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (II) A LIFE-THREATENING INJURY TO A PROGRAM
2 PARTICIPANT;

3 (III) NONCONSENSUAL SEXUAL ACTIVITY, AS PROHIBITED IN
4 COMAR 10.01.18;

5 (IV) ANY SEXUAL ACTIVITY BETWEEN A STAFF MEMBER OF A
6 RESIDENTIAL REHABILITATION PROGRAM AND A PROGRAM PARTICIPANT; AND

7 (V) THE EVACUATION OF A BUILDING, IF THE EVACUATION
8 DISRUPTS THE OPERATIONS OF A RESIDENTIAL REHABILITATION PROGRAM.

9 (3) "RESIDENTIAL REHABILITATION PROGRAM" MEANS A PROGRAM
10 LICENSED IN ACCORDANCE WITH COMAR 10.63.04.05.

11 (B) AT LEAST 14 DAYS BEFORE ISSUING A LICENSE TO A RESIDENTIAL
12 REHABILITATION PROGRAM, THE SECRETARY SHALL PROVIDE THE ADDRESS OF
13 THE RESIDENTIAL REHABILITATION PROGRAM TO THE LOCAL HEALTH
14 DEPARTMENT, DEPARTMENT OF SOCIAL SERVICES, LOCAL BEHAVIORAL HEALTH
15 AUTHORITY, AND LAW ENFORCEMENT AGENCY FOR THE COUNTY IN WHICH THE
16 RESIDENTIAL REHABILITATION PROGRAM IS LOCATED.

17 (C) WITHIN 24 HOURS AFTER RECEIVING NOTIFICATION OF A CRITICAL
18 INCIDENT IN A RESIDENTIAL REHABILITATION PROGRAM, THE ADMINISTRATIVE
19 HEAD OF THE RESIDENTIAL REHABILITATION PROGRAM SHALL REPORT THE
20 CRITICAL INCIDENT TO:

21 (1) THE SECRETARY; AND

22 (2) THE LOCAL HEALTH DEPARTMENT, DEPARTMENT OF SOCIAL
23 SERVICES, LOCAL BEHAVIORAL HEALTH AUTHORITY, AND LAW ENFORCEMENT
24 AGENCY FOR THE COUNTY IN WHICH THE RESIDENTIAL REHABILITATION PROGRAM
25 IS LOCATED.

26 (D) WITHIN 14 DAYS AFTER RECEIVING A REPORT OF A CRITICAL INCIDENT,
27 THE LOCAL BEHAVIORAL HEALTH AUTHORITY FOR THE COUNTY IN WHICH THE
28 RESIDENTIAL REHABILITATION PROGRAM IS LOCATED SHALL CONDUCT AN
29 ASSESSMENT OF THE PROPERTY OF THE RESIDENTIAL REHABILITATION PROGRAM
30 AND AN EVALUATION OF THE CRITICAL INCIDENT.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2019.