
By: Delegate Morgan

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Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Community Residential Services Programs - Standards and Requirements**

3 FOR the purpose of establishing certain requirements and standards that persons
4 operating certain community residential services programs must satisfy in order to
5 maintain a license or certificate of approval to establish or operate a community
6 residential services program; specifying the standards and requirements that must
7 be met, including admission, staffing, and physical plant standards and
8 requirements; establishing a certain penalty; and generally relating to establishing
9 certain requirements and standards that persons must satisfy in order to maintain a
10 license or certificate of approval to establish or operate a community residential
11 services program.

12 BY adding to

13 Article - Health - General
14 Section 7-603.1, 10-209, 10-210, 10-211, and 10-212
15 Annotated Code of Maryland
16 (1994 Replacement Volume and 1995 Supplement)

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

19 **Article - Health - General**

20 7-603.1.

21 (A) TO MAINTAIN A CERTIFICATE OF APPROVAL AND A LICENSE OBTAINED
22 UNDER SUBTITLE 9 OF THIS TITLE, A PERSON THAT HOLDS A CERTIFICATE OF
23 APPROVAL TO ESTABLISH A COMMUNITY RESIDENTIAL SERVICES PROGRAM UNDER
24 THIS PART SHALL DEVELOP AND MAINTAIN THE FOLLOWING WRITTEN POLICIES
25 AND PROCEDURES THAT INCLUDE AT A MINIMUM:

26 (1) A POLICY THAT ASSURES ADEQUATE STAFF CAPABILITY TO
27 MONITOR AND HABILITATE RESIDENTS, BUT THE COMPOSITION AND
28 QUALIFICATIONS OF WHICH SHALL BE DEPENDENT, IN PART, ON THE NEEDS OF THE
29 RESIDENTS AND THE NUMBER OF RESIDENTS IN THE PROGRAM;

30 (2) A POLICY THAT ASSURES THAT THE RELEASE OF INFORMATION
31 FROM A RESIDENT'S RECORD IS HANDLED IN ACCORDANCE WITH § 7-1010 OF THIS

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1 TITLE AND ANY OTHER STATE OR FEDERAL LAW OR REGULATION REGARDING
2 CONFIDENTIALITY;

3 (3) A POLICY AND PROCEDURE THAT REQUIRES THAT ANY UNUSUAL
4 OCCURRENCE THAT THREATENS THE WELFARE, SAFETY, OR HEALTH OF ANY
5 RESIDENT BE REPORTED IMMEDIATELY TO THE ADMINISTRATION AND THE
6 APPROPRIATE SERVICES COORDINATOR IF THE RESIDENT HAS BEEN DESIGNATED
7 TO RECEIVE SERVICES COORDINATION;

8 (4) A POLICY AND PROCEDURE THAT INDICATES THAT THE RESIDENTS
9 WILL BE PROVIDED ASSISTANCE IN OBTAINING ROUTINE AND EMERGENCY
10 MEDICAL AND DENTAL SERVICES IN ACCORDANCE WITH ADMINISTRATION
11 POLICIES AND PROCEDURES;

12 (5) PROCEDURES FOR ACCURATELY DOCUMENTING SEIZURE
13 ACTIVITY AND OTHER HEALTH-RELATED CONCERNS AND EFFICIENTLY
14 COMMUNICATING THAT INFORMATION TO OTHER PERSONNEL INVOLVED
15 DIRECTLY IN THE TREATMENT OF DEVELOPMENTALLY DISABLED INDIVIDUALS;

16 (6) PROCEDURES FOR OBTAINING A WRITTEN AGREEMENT WITH EACH
17 RESIDENT THAT INCLUDES THE FOLLOWING:

18 (I) SIGNATURES OF:

- 19 1. THE RESIDENT OR PROPONENT OF THE RESIDENT;
20 2. THE RESIDENT'S SERVICES COORDINATOR, IF THE
21 RESIDENT HAS BEEN DESIGNATED TO RECEIVE SERVICES COORDINATION; AND
22 3. AN AGENCY REPRESENTATIVE;

23 (II) THE DATE SIGNED;

24 (III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE
25 RESIDENT AND THE RESIDENTIAL SITE;

26 (IV) THE MARYLAND MEDICAL ASSISTANCE NUMBER OF THE
27 RESIDENT OR THE CLIENT-BASED INFORMATION SYSTEM (CBIS) NUMBER, OR BOTH;

28 (V) A STATEMENT THAT THE RESIDENT OR THE PROPONENT OF
29 THE RESIDENT SHALL HAVE THE RIGHT TO PARTICIPATE IN DESIGNING THE
30 RESIDENT'S INDIVIDUALIZED HABILITATION PLAN AND TO REQUEST CHANGES IN
31 THE PLAN AT ANY TIME;

32 (VI) A STATEMENT THAT THE RESIDENT OR THE PROPONENT OF
33 THE RESIDENT SHALL HAVE ACCESS TO THE INDIVIDUALIZED HABILITATION PLAN;

34 (VII) A STATEMENT THAT PLACEMENT IN THE PROGRAM IS
35 VOLUNTARY AND A DESCRIPTION OF THE ALTERNATIVES AVAILABLE TO THE
36 RESIDENT ABOUT WHICH THE AGENCY HAS KNOWLEDGE;

37 (VIII) A STATEMENT OF THE BASIC SERVICES TO BE PROVIDED;

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1 (IX) A STATEMENT SETTING FORTH THE RATES FOR THE SERVICES
2 AND WHEN PAYMENTS ARE DUE;

3 (X) A PROVISION FOR A REVISED STATEMENT WHEN
4 CIRCUMSTANCES REQUIRE A CHANGE IN THE TERMS OF AN AGREEMENT WITH
5 APPROPRIATE SIGNATURES; AND

6 (XI) A STATEMENT THAT SERVICES SHALL AT ALL TIMES BE
7 PROVIDED TO A RESIDENT WITHOUT DISCRIMINATION ON THE BASIS OF RACE,
8 COLOR, AGE, SEX, NATIONAL ORIGIN, MARTIAL STATUS, OR PHYSICAL OR MENTAL
9 HANDICAP;

10 (7) PROCEDURES FOR ADMISSION, TRANSFER, SUSPENSION, AND
11 DISCHARGE REQUIREMENTS THAT INCLUDE THE FOLLOWING:

12 (I) FOR ADMISSIONS:

13 1. THE RECEIPT OF APPROVAL BY THE ADMINISTRATION
14 FOR THE APPROPRIATENESS OF THE ADMISSION BEFORE ADMITTING ANY
15 PROSPECTIVE RESIDENT;

16 2. AN EVALUATION OF A PROSPECTIVE RESIDENT; AND

17 3. ACTIVE EMPLOYMENT OR THE INVOLVEMENT BY A
18 PROSPECTIVE RESIDENT IN AN APPROPRIATE LEARNING ACTIVITY OUTSIDE OF THE
19 RESIDENCE UNLESS THE PROSPECTIVE RESIDENT IS RETIRED;

20 (II) FOR TRANSFERS:

21 1. THE RECEIPT OF WRITTEN PREAUTHORIZATION FROM
22 THE ADMINISTRATION FOR THE TRANSFER; AND

23 2. AN EVALUATION OF THE RESIDENT; AND

24 (III) FOR DISCHARGES:

25 1. THE RECEIPT OF WRITTEN AUTHORIZATION FROM THE
26 ADMINISTRATION UNLESS THE RESIDENT CHOOSES TO TERMINATE THE RESIDENCE
27 AND NOTIFIES THE ADMINISTRATION OF THIS DESIRE;

28 2. THE NOTIFICATION BY THE DIRECTOR OF THE PROGRAM
29 TO THE RESIDENT OF THE PENDING DISCHARGE; AND

30 3. A PROCEDURE FOR THE DISCHARGE OF A RESIDENT
31 WHO IS ABSENT FOR 60 DAYS OF SERVICE UNLESS AN EXCEPTION IS GRANTED BY
32 THE ADMINISTRATION;

33 (8) A PROCEDURE TO ASSURE THE QUALITY OF PROGRAMS AND
34 SERVICES PROVIDED IN THE RESIDENCE THROUGH THE USE OF AN INTERNAL
35 UTILIZATION REVIEW PROCEDURE DESIGNED TO EVALUATE THE
36 APPROPRIATENESS OF ADMISSIONS, THE EFFICIENCY AND ADEQUACY OF THE
37 COORDINATION OF PROVIDED SERVICES AS DOCUMENTED IN AN INDIVIDUALIZED
38 HABILITATION PLAN, AND THE LENGTH OF PARTICIPATION AND DISCHARGE
39 PRACTICES;

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1 (9) A PROCEDURE AT THE RESIDENCE FOR ARRANGING FOR MEALS;

2 (10) A PROCEDURE FOR DEVELOPING A RESIDENT'S INDIVIDUALIZED
3 HABILITATION PLAN;

4 (11) A PROCEDURE FOR CONDUCTING ANNUAL COMPREHENSIVE
5 PROGRAM REVIEWS FOR THE PURPOSE OF EVALUATING A RESIDENT'S PROGRESS
6 AND TO DETERMINE THE EFFECTIVENESS OF THE CURRENT PROGRAM FOR A
7 RESIDENT AS RECOMMENDED IN THE RESIDENT'S INDIVIDUALIZED HABILITATION
8 PLAN;

9 (12) A POLICY AND PROCEDURE TO ADDRESS THE MANAGEMENT OF
10 MALADAPTIVE BEHAVIOR THAT IS IN ACCORDANCE WITH ADMINISTRATION
11 POLICY;

12 (13) A PROCEDURE FOR RESIDENTS TO APPEAL THE
13 RECOMMENDATIONS, DECISIONS, AND ACTIONS OF A PROGRAM;

14 (14) A POLICY AND PROCEDURE APPROVED BY THE ADMINISTRATION
15 FOR ADMINISTERING MEDICATIONS; AND

16 (15) A POLICY TO ADDRESS RESIDENTS WHO SELF-ADMINISTER THEIR
17 OWN MEDICATIONS.

18 (B) IN ADDITION TO SUBSECTION (A) OF THIS SECTION, A PERSON SHALL
19 ADHERE TO THE FOLLOWING PHYSICAL SITE STANDARDS FOR A COMMUNITY
20 RESIDENTIAL SERVICES PROGRAM:

21 (1) WHENEVER POSSIBLE A PROGRAM RESIDENCE SHALL BE LOCATED
22 IN THE PROXIMITY OF PUBLIC TRANSPORTATION;

23 (2) THERE SHALL BE A TELEPHONE AT THE RESIDENCE TO SUMMON
24 HELP PROMPTLY IN THE CASE OF FIRE OR OTHER EMERGENCIES;

25 (3) THE RESIDENCE SHALL MEET ALL APPROPRIATE FEDERAL, STATE,
26 AND LOCAL REQUIREMENTS FOR PUBLIC HEALTH, FIRE, SAFETY, ZONING,
27 BUILDING CONSTRUCTION, AND SANITATION;

28 (4) PROGRAM PERSONNEL AND RESIDENTS SHALL BE FULLY
29 ACQUAINTED WITH AN EVACUATION PLAN UNDER WHICH AT LEAST EVERY 3
30 MONTHS AN EVACUATION DRILL IS TO BE CONDUCTED AND ADEQUATELY
31 DOCUMENTED;

32 (5) AT LEAST ONE PORTABLE, HAND-OPERATED FIRE EXTINGUISHER
33 SHALL BE LOCATED AT THE RESIDENCE;

34 (6) THE RESIDENCE SHALL HAVE A SMOKE DETECTOR WITH A
35 SELF-CONTAINED ALARM;

36 (7) ROOMS IN THE RESIDENCE MUST HAVE ADEQUATE VENTILATION
37 WHETHER BY MEANS OF A WINDOW THAT CAN BE OPENED, AN EXHAUST FAN, OR
38 AN APPROVED AIR-CONDITIONING SYSTEM;

1 (8) EACH ROOM IN THE RESIDENCE THAT IS OCCUPIED BY A RESIDENT
2 MUST BE LIGHTED BY OUTSIDE WINDOWS AND HAVE ARTIFICIAL LIGHT THAT IS
3 ADEQUATE FOR READING AND OTHER USES AS REQUIRED;

4 (9) EVERY EFFORT MUST BE MADE TO PROVIDE EACH RESIDENT WITH
5 THEIR OWN ROOM, BUT, IN ANY CASE, NOT MORE THAN THREE RESIDENTS MAY
6 SHARE A ROOM;

7 (10) BATHROOMS SHALL BE EASILY ACCESSIBLE, CONVENIENTLY
8 LOCATED, AND ILLUMINATED AT NIGHT FOR THE SAFETY OF RESIDENTS;

9 (11) THE RESIDENCE SHALL HAVE AT LEAST ONE BATHROOM FOR EACH
10 FOUR RESIDENTS;

11 (12) ALL ENTRANCES, HALLWAYS, STAIRWAYS, RAMPS, CELLARS,
12 ATTICS, AND STOREROOMS IN THE RESIDENCE MUST HAVE ADEQUATE ARTIFICIAL
13 LIGHT TO PREVENT ACCIDENTS;

14 (13) RESIDENTS MAY NOT BE KEPT BEHIND LOCKED DOORS AGAINST
15 THEIR WILL UNLESS THIS NECESSITY HAS BEEN DOCUMENTED IN A RESIDENT'S
16 INDIVIDUALIZED HABILITATION PLAN; AND

17 (14) A RESIDENCE SHALL HAVE A FULL-LENGTH WALL MIRROR FOR USE
18 BY RESIDENTS.

19 (C) A COMMUNITY RESIDENTIAL SERVICES PROGRAM THAT FAILS TO
20 SATISFY THE REQUIREMENTS OF THIS SECTION IS SUBJECT TO A FINE OF NOT MORE
21 THAN \$500 FOR EACH VIOLATION AS SET BY THE ADMINISTRATION BY REGULATION
22 IN ADDITION TO THE SUSPENSION OR REVOCATION OF THE PERSON'S LICENSE TO
23 OPERATE.

24 10-209.

25 (A) AS A REQUIREMENT FOR OPERATING A COMMUNITY RESIDENTIAL
26 SERVICES PROGRAM UNDER THIS TITLE, A PERSON SHALL:

27 (1) HAVE POLICY MANUAL THAT INCLUDES A DESCRIPTION OF THE
28 MISSION AND PROCEDURES OF THE PROGRAM, A STATEMENT OF RESIDENT RIGHTS,
29 A DELINEATION OF THE ORGANIZATIONAL STRUCTURE, AND A DESCRIPTION OF
30 THE RESPONSIBILITIES OF THE PROGRAM DIRECTOR;

31 (2) HAVE A PERSONNEL MANUAL THAT INCLUDES JOB DESCRIPTIONS
32 AND EMPLOYEE GRIEVANCE PROCEDURES;

33 (3) DESIGNATE AN INDIVIDUAL AS THE PROGRAM DIRECTOR WHO HAS
34 CLEARLY DEFINED AUTHORITY AND RESPONSIBILITIES IN RELATION TO BUDGET,
35 PROGRAM SERVICES, AND STAFF;

36 (4) ESTABLISH A MECHANISM FOR SECURING COMMUNITY
37 PARTICIPATION, SUCH AS THROUGH AN ADVISORY OR GOVERNING BOARD;

38 (5) WHEN THE PROGRAM IS UNDER THE DIRECTION OF A BOARD OF AN
39 ORGANIZATION THAT PROVIDES A MULTIPLICITY OF SERVICES, ESTABLISH A
40 MECHANISM THAT IS SATISFACTORY TO THE SECRETARY THAT ENSURES

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1 APPROPRIATE OVERSIGHT, REPRESENTATION OF THE INTERESTS OF THE
2 PROGRAM, AND COMMUNITY AND CONSUMER PARTICIPATION;

3 (6) ESTABLISH FINANCIAL PROCEDURES THAT ARE IN ACCORD WITH
4 BUDGETING AND ACCOUNTING PRACTICES ACCEPTABLE TO THE DEPARTMENT,
5 INCLUDING THE MAINTENANCE OF FINANCIAL RECORDS THAT ARE SUBJECT TO
6 EXAMINATION BY THE DEPARTMENT AND LEGISLATIVE AUDITORS;

7 (7) MAINTAIN AND REPORT ANY STATISTICAL DATA THAT THE
8 ADMINISTRATION MAY REQUIRE; AND

9 (8) MAINTAIN TIME RECORDS FOR ALL STAFF MEMBERS AND
10 CONSULTANTS.

11 (B) IN ADDITION TO SUBSECTION (A) OF THIS SECTION, A PERSON
12 OPERATING A COMMUNITY RESIDENTIAL SERVICES PROGRAM UNDER THIS TITLE
13 SHALL COMPLY WITH THE FOLLOWING STAFF REQUIREMENTS:

14 (1) THERE SHALL BE A WRITTEN STATEMENT OF THE RATIONALE FOR
15 THE COMPOSITION OF THE PROGRAM STAFF IN TERMS OF NUMBERS, TRAINING,
16 EDUCATION, AND EXPERIENCE, THAT ARE TO BE RELATED TO THE NEEDS OF THE
17 PROGRAM AND THE RESIDENTS OF THE PROGRAM;

18 (2) THE DIRECTOR OF THE PROGRAM SHALL HAVE AT LEAST A
19 BACCALAUREATE DEGREE IN A MENTAL HEALTH FIELD AND APPROPRIATE
20 TRAINING AND EXPERIENCE;

21 (3) EACH STAFF MEMBER, VOLUNTEER, OR STUDENT PARTICIPATING
22 IN THE PROGRAM SHALL:

23 (I) PROVIDE PROOF OF FREEDOM FROM OR CONTROL OF ANY
24 COMMUNICABLE DISEASE, INCLUDING TUBERCULOSIS; AND

25 (II) EACH YEAR, PASS A PHYSICAL EXAMINATION; AND

26 (4) ORIENTATION, RELEVANT IN-SERVICE AND OTHER TRAINING, AND
27 SUPERVISION SHALL BE PROVIDED TO ALL STAFF, INCLUDING STUDENTS AND
28 VOLUNTEERS, ON A REGULAR BASIS.

29 10-210.

30 (A) (1) A COMMUNITY RESIDENTIAL SERVICES PROGRAM OPERATING
31 UNDER THIS TITLE SHALL DEVELOP AN INDIVIDUAL CARE PLAN FOR EACH
32 RESIDENT OF THE PROGRAM.

33 (2) THE INDIVIDUAL CARE PLAN SHALL:

34 (I) BE BASED ON THE PARTICIPATION OF THE RESIDENT AND ANY
35 SIGNIFICANT OTHERS THAT THE RESIDENT WISHES TO HAVE PARTICIPATE;

36 (II) IDENTIFY THE RESIDENT'S PROVIDER OF MENTAL HEALTH
37 CARE AND MEDICAL CARE;

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1 (III) IDENTIFY THE RESIDENT'S STRENGTHS, NEEDS, AND GOALS,
2 BOTH LONG AND SHORT TERM;

3 (IV) SPECIFY THE MEANS THROUGH WHICH THE GOALS WILL BE
4 ACHIEVED, INCLUDING THE FOLLOWING:

5 1. NEEDED COMMUNITY AND TREATMENT SERVICES AND
6 METHODS OF SECURING THOSE SERVICES;

7 2. A DAILY ACTIVITY PLAN; AND

8 3. THOSE SKILLS OF DAILY LIVING THAT THE RESIDENT
9 NEEDS FOR NORMALIZATION;

10 (V) IDENTIFY THE PROGRAM STAFF MEMBER RESPONSIBLE FOR
11 ENSURING THAT THE CARE PLAN IS CARRIED OUT;

12 (VI) SPECIFY THE EXPECTED LENGTH OF STAY;

13 (VII) BE SIGNED BY THE RESIDENT AND THE LEADER OF THE
14 GROUP DELINEATING THE CARE PLAN WITH OTHER PARTICIPANTS LISTED; AND

15 (VIII) BE REVIEWED AND REVISED AT LEAST EVERY 3 MONTHS.

16 (B) A COMMUNITY RESIDENTIAL SERVICES PROGRAM SHALL PROVIDE
17 APPROPRIATE SUPERVISION OF RESIDENTS THAT INCLUDES, AT A MINIMUM, THE
18 FOLLOWING:

19 (1) THERE SHALL BE A MECHANISM FOR REFERRALS TO
20 PSYCHIATRISTS OR MENTAL HEALTH THERAPISTS, AND TO MEDICAL RESOURCES
21 SUCH AS PHYSICIANS AND EMERGENCY ROOM FACILITIES;

22 (2) THERE SHALL BE A PROGRAM STAFF MEMBER PRESENT AT THE
23 PROGRAM RESIDENCE WHEN RESIDENTS ARE TO BE ON THE PREMISES, OR A
24 METHOD OF REACHING PROGRAM STAFF AT ANY TIME WITH INFORMATION AS TO
25 HOW TO REACH A PROGRAM STAFF MEMBER GIVEN TO EACH RESIDENT AND
26 POSTED CONSPICUOUSLY;

27 (3) PROGRAM STAFF SHALL TRAIN RESIDENTS IN THE SKILLS OF DAILY
28 LIVING;

29 (4) PROGRAM STAFF SHALL:

30 (I) ASSIST RESIDENTS IN SECURING NECESSARY COMMUNITY
31 SERVICES;

32 (II) DEVELOP LINKAGES WITH THESE SERVICES;

33 (III) MAKE REFERRALS FOR THESE SERVICES; AND

34 (IV) PROVIDE FOLLOW-UP FOR THESE REFERRALS;

35 (5) A FIRST AID KIT SHALL BE ON THE PREMISES OF THE PROGRAM
36 RESIDENCE AND STAFF TRAINED IN ITS APPROPRIATE USE; AND

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1 (6) ALL RESIDENTS SHALL BE PROVIDED WITH A SAFE PLACE TO KEEP
2 MEDICATIONS.

3 (C) (1) A COMMUNITY RESIDENTIAL SERVICES PROGRAM SHALL
4 ESTABLISH AND MAINTAIN A RECORD FOR EACH RESIDENT THAT INCLUDES:

5 (I) CUSTOMARY IDENTIFYING INFORMATION;

6 (II) MEDICAL INFORMATION NECESSARY FOR THE CARE OF THE
7 RESIDENT;

8 (III) A SUMMARY OF THE BASIS FOR THE DECISION TO ADMIT THE
9 RESIDENT INTO THE PROGRAM;

10 (IV) THE NAME OF THE RESIDENT'S THERAPIST OR OUTPATIENT
11 CLINIC AND THE RESIDENT'S MEDICAL CARE PROVIDER;

12 (V) THE INDIVIDUAL CARE PLAN DEVELOPED UNDER SUBSECTION
13 (A) OF THIS SECTION;

14 (VI) THE NAMES OF THE PROGRAM STAFF ASSIGNED TO SUPERVISE
15 THE RESIDENT;

16 (VII) NOTES ON THE PROGRESS OF THE RESIDENT WITH REGARD TO
17 THE RESIDENT'S INDIVIDUAL CARE PLAN;

18 (VIII) A DISCHARGE SUMMARY IN EACH CLOSED RECORD;

19 (IX) THE RESIDENT'S SIGNED STATEMENT OF WILLINGNESS TO
20 ABIDE BY THE RULES OF THE PROGRAM;

21 (X) ANY SIGNED RELEASE OR CONSENT STATEMENTS RELATED TO
22 ACTIVITIES INVOLVING THE PROGRAM; AND

23 (XI) FINANCIAL INFORMATION INCLUDING A STATEMENT OF FEES
24 AGREED TO THAT IS SIGNED BY THE RESIDENT.

25 (2) RECORDS FROM PAST PSYCHIATRIC HOSPITALS OR PSYCHIATRIC
26 EXPERIENCES MAY NOT BE A PART OF THE RECORD KEPT BY THE PROGRAM UNDER
27 PARAGRAPH (1) OF THIS SUBSECTION.

28 (3) A PROGRAM SHALL STORE RECORDS OF RESIDENTS IN LOCKED
29 FILES IN ACCORDANCE WITH ITS PLAN FOR MAINTAINING THE CONFIDENTIALITY
30 OF THE RECORDS.

31 (4) A PROGRAM SHALL:

32 (I) RETAIN THE RECORDS FOR AT LEAST 5 YEARS AFTER THE
33 DISCHARGE OF A RESIDENT FROM THE PROGRAM; AND

34 (II) FOR A MINOR RESIDENT, RETAIN THE RECORDS FOR 5 YEARS
35 PAST THE AGE OF 16 OR AT LEAST 5 YEARS AFTER DISCHARGE, WHICHEVER IS
36 LATER.

1 10-211.

2 (A) EACH COMMUNITY RESIDENTIAL SERVICES PROGRAM SHALL ESTABLISH
3 ADMISSION PROCEDURES THAT INCLUDE THE FOLLOWING:

4 (1) THERE SHALL BE AN ADMISSIONS COMMITTEE THAT CONSISTS OF
5 THE DIRECTOR OF THE PROGRAM AND AT LEAST ONE OTHER STAFF MEMBER;

6 (2) IN EVALUATING AN APPLICATION FOR ADMISSION, THE COMMITTEE
7 MUST RECEIVE A RECOMMENDATION OR RECOMMENDATIONS FROM MENTAL
8 HEALTH PROFESSIONALS;

9 (3) BEFORE ADMISSION, WHEN PRACTICABLE, THE APPLICANT SHALL
10 MAKE A TRIAL VISIT TO THE PROGRAM RESIDENCE AND A REPORT ON THE NATURE
11 OF THE VISIT SHALL BE AN ELEMENT IN THE ADMISSION COMMITTEE'S FINAL
12 DECISION ON WHETHER TO ADMIT THE APPLICANT;

13 (4) THERE SHALL BE A WRITTEN POLICY AND PROCEDURE FOR
14 ADMISSIONS THAT IS MADE KNOWN TO APPLICANTS AND REFERRING AGENCIES
15 AND OTHER INTERESTED PERSONS;

16 (5) APPLICANTS SHALL BE INFORMED OF THE LENGTH OF STAY POLICY
17 OF THE PROGRAM; AND

18 (6) THE LIMITATION OF ADMISSIONS TO MENTALLY DISABLED
19 INDIVIDUALS WHO:

20 (I) HAVE THE ABILITY TO UNDERSTAND THE RULES OF THE
21 PROGRAM;

22 (II) EXPRESS A WILLINGNESS IN WRITING TO COMPLY WITH THE
23 RULES OF THE PROGRAM;

24 (III) HAVE NOT RECEIVED A PRIMARY DIAGNOSIS OF ALCOHOLISM,
25 DRUG ADDICTION, OR SEVERE BRAIN DAMAGE;

26 (IV) DO NOT EXHIBIT CURRENT VIOLENT, ANTISOCIAL BEHAVIOR;

27 (V) ARE ABLE TO TAKE APPROPRIATE ACTION FOR
28 SELF-PRESERVATION UNDER EMERGENCY CONDITIONS;

29 (VI) ARE CAPABLE OF SUPERVISING THEIR OWN MEDICATIONS;

30 (VII) HAVE BEEN DETERMINED BY MENTAL HEALTH
31 PROFESSIONALS TO NEED THIS PLACEMENT AND BE CAPABLE OF BENEFITING FROM
32 IT; AND

33 (VIII) CAN FURNISH PROOF OF FREEDOM FROM OR CONTROL OF
34 COMMUNICABLE DISEASES SUCH AS TUBERCULOSIS.

35 (B) EACH COMMUNITY RESIDENTIAL SERVICES PROGRAM SHALL HAVE
36 DISCHARGE PROCEDURES THAT INCLUDE:

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1 (1) A REQUIREMENT THAT ALL REQUESTS FOR DISCHARGE BY
2 RESIDENTS ARE HONORED;

3 (2) A PROVISION THAT THE PROGRAM MAY DISCHARGE ANY RESIDENT
4 WHO:

5 (I) DOES NOT ABIDE BY THE RULES OF THE PROGRAM;

6 (II) BECOMES A DANGER TO THEMSELVES OR OTHERS; OR

7 (III) IN THE JUDGMENT OF THE PROGRAM STAFF, NO LONGER
8 NEEDS TO RESIDE IN THE PROGRAM RESIDENCE;

9 (3) THE PROVISION TO A PROSPECTIVE RESIDENT BEFORE ADMISSION
10 OF THE PROGRAM'S PROCEDURES ON DISCHARGES AND DISCHARGE PROCEDURES,
11 INCLUDING FEE RETENTION; AND

12 (4) THE DEVELOPMENT OF AN AFTERCARE PLAN BEFORE DISCHARGE.
13 10-212.

14 A COMMUNITY RESIDENTIAL SERVICES PROGRAM THAT FAILS TO SATISFY THE
15 REQUIREMENTS OF § 10-209 THROUGH § 10-211 OF THIS SUBTITLE IS SUBJECT TO A
16 FINE OF NOT MORE THAN \$500 FOR EACH VIOLATION AS SET BY THE
17 ADMINISTRATION BY REGULATION IN ADDITION TO THE POSSIBLE SUSPENSION OR
18 REVOCATION OF THE PERSON'S LICENSE TO OPERATE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1996.