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**By: Delegates Dembrow and Minnick**

Introduced and read first time: January 23, 1997

Assigned to: Judiciary

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 25, 1997

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## CHAPTER \_\_\_\_

1 AN ACT concerning

**2 Correctional Facilities - Authorization for Medical Treatment of Juvenile Inmates**

3 FOR the purpose of authorizing certain officers of certain correctional facilities, on the  
4 recommendation of a health care provider, to authorize medical treatment of a  
5 juvenile inmate of a correctional facility under certain circumstances; specifying that  
6 liability may not attach to certain officers of certain correctional facilities for  
7 authorizing ~~medical~~ medically necessary treatment of a juvenile inmate under  
8 certain circumstances; defining ~~certain terms~~ a certain term; and generally relating  
9 to the authorization for medical treatment of juvenile inmates in correctional  
10 facilities.

11 BY adding to

12 Article 27 - Crimes and Punishments  
13 Section 700J  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume)

16 BY repealing and reenacting, without amendments,

17 Article 31B - Patuxent Institution  
18 Section 1(a), (e), and (h)  
19 Annotated Code of Maryland  
20 (1993 Replacement Volume and 1996 Supplement)

21 BY adding to

22 Article 31B - Patuxent Institution  
23 Section 9A  
24 Annotated Code of Maryland

2

1 (1993 Replacement Volume and 1996 Supplement)

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

4 **Article 27 - Crimes and Punishments**

5 700J.

6 (A) IN THIS SECTION, "CHIEF OFFICER OF A CORRECTIONAL FACILITY"  
7 MEANS:

8 (1) THE ADMINISTRATOR OR ADMINISTRATOR'S DESIGNEE OF A LOCAL  
9 DETENTION CENTER; OR

10 (2) THE WARDEN OR WARDEN'S DESIGNEE OF AN INSTITUTION UNDER  
11 THE JURISDICTION OF THE COMMISSIONER OF CORRECTION.

12 (B) (1) ON THE RECOMMENDATION OF A HEALTH CARE PROVIDER, THE  
13 CHIEF OFFICER OF A CORRECTIONAL FACILITY MAY AUTHORIZE MEDICAL  
14 TREATMENT OF A JUVENILE INMATE WHEN IN THE JUDGMENT OF THE CHIEF  
15 OFFICER THE TREATMENT IS ~~REQUIRED~~ NECESSARY AND A PARENT, GUARDIAN,  
16 OR PERSON IN LOCO PARENTIS OF THE JUVENILE IS NOT AVAILABLE ON A TIMELY  
17 BASIS TO GIVE THE AUTHORIZATION.

18 (2) LIABILITY ~~OF ANY KIND~~ MAY NOT ATTACH TO THE CHIEF OFFICER  
19 OF A CORRECTIONAL FACILITY FOR AUTHORIZING IN GOOD FAITH THE ~~MEDICAL~~  
20 MEDICALLY NECESSARY TREATMENT.

21 **Article 31B - Patuxent Institution**

22 1.

23 (a) In this article, the following words have the meanings indicated unless the  
24 context clearly requires otherwise.

25 (e) "Director" means the director of Patuxent Institution.

26 (h) "Institution" means the Patuxent Institution.

27 9A.

28 (A) ON THE RECOMMENDATION OF A HEALTH CARE PROVIDER, THE  
29 DIRECTOR OF THE INSTITUTION OR THE DESIGNEE OF THE DIRECTOR MAY  
30 AUTHORIZE MEDICAL TREATMENT OF A JUVENILE INMATE WHEN IN THE  
31 JUDGMENT OF THE DIRECTOR OR THE DESIGNEE THE TREATMENT IS ~~REQUIRED~~  
32 NECESSARY AND A PARENT, GUARDIAN, OR PERSON IN LOCO PARENTIS OF THE  
33 JUVENILE IS NOT AVAILABLE ON A TIMELY BASIS TO GIVE THE AUTHORIZATION.

34 (B) LIABILITY ~~OF ANY KIND~~ MAY NOT ATTACH TO THE DIRECTOR OR THE  
35 DESIGNEE OF THE DIRECTOR FOR AUTHORIZING IN GOOD FAITH THE ~~MEDICAL~~  
36 MEDICALLY NECESSARY TREATMENT.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
38 October 1, 1997.

