
By: Chairman, Finance Committee (Departmental - Health and Mental Hygiene)

Requested: November 8, 1996

Introduced and read first time: January 8, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Treatment Centers - Accreditation**

3 FOR the purpose of authorizing the Secretary of Health and Mental Hygiene to use the
4 current standards of the Joint Commission on Accreditation of Health Care
5 Organizations when conducting inspections of certain residential treatment centers;
6 defining certain terms; and generally relating to the standards and inspections of
7 certain residential treatment centers by the Secretary of Health and Mental
8 Hygiene.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 19-309(b) and 19-319(c)
12 Annotated Code of Maryland
13 (1996 Replacement Volume and 1996 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Health - General
16 Section 19-301, 19-307(b), and 19-308
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 1996 Supplement)
19 (As enacted by Chapter 147 of the Acts of the General Assembly of 1996)

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

22 **Article - Health - General**

23 19-301.

24 (a) In this subtitle the following words have the meanings indicated.

25 (b) "Accredited hospital" means a hospital accredited by the Joint Commission on
26 Accreditation of Hospitals.

1 (C) "ACCREDITED RESIDENTIAL TREATMENT CENTER" MEANS A
2 RESIDENTIAL TREATMENT CENTER THAT IS ACCREDITED BY THE JOINT
3 COMMISSION ON ACCREDITATION OF HEALTH CARE ORGANIZATIONS.

4 [(c)] (D) "Apartment unit" means any space, in a residential building, that is
5 enclosed and self-contained and has a sanitary environment, if the space includes:

- 6 (1) 2 or more rooms;
- 7 (2) A direct exit to a thoroughfare or to a common element leading to a
8 thoroughfare;
- 9 (3) Facilities for living, sleeping, and eating; and
- 10 (4) At least the following facilities for cooking:
 - 11 (i) Storage space for food and utensils;
 - 12 (ii) A refrigerator;
 - 13 (iii) A cook top; and
 - 14 (iv) Adequate electrical capacity and outlets for small appliances.

15 [(d)] (E) (1) "Domiciliary care" means services that are provided to aged or
16 disabled individuals in a protective, institutional or home-type environment.

- 17 (2) "Domiciliary care" includes:
 - 18 (i) Shelter;
 - 19 (ii) Housekeeping services;
 - 20 (iii) Board;
 - 21 (iv) Facilities and resources for daily living; and
 - 22 (v) Personal surveillance or direction in the activities of daily living.

23 [(e)] (F) "Hospital" means an institution that:

- 24 (1) Has a group of at least 5 physicians who are organized as a medical staff
25 for the institution;
- 26 (2) Maintains facilities to provide, under the supervision of the medical
27 staff, diagnostic and treatment services for 2 or more unrelated individuals; and
- 28 (3) Admits or retains the individuals for overnight care.

29 [(f)] (G) "License" means a license issued by the Secretary:

- 30 (1) To operate a hospital in this State; or
- 31 (2) To operate a related institution in this State.

32 [(g)] (H) "Nonaccredited hospital" means a hospital not accredited by the Joint
33 Commission on Accreditation of Hospitals.

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1 [(h)] (I) "Nursing care" means service for a patient that is:

2 (1) Ordered by a physician; and

3 (2) Provided or supervised by a registered or practical nurse who is licensed
4 to practice in this State.

5 [(i)] (J) "Nursing facility" means a related institution that provides nursing care
6 for 2 or more unrelated individuals.

7 [(j)] (K) "Person" includes this State or a county or municipal corporation.

8 [(k)] (L) (1) "Personal care" means a service that an individual normally would
9 perform personally, but for which the individual needs help from another because of
10 advanced age, infirmity, or physical or mental limitation.

11 (2) "Personal care" includes:

12 (i) Help in walking;

13 (ii) Help in getting in and out of bed;

14 (iii) Help in bathing;

15 (iv) Help in dressing;

16 (v) Help in feeding; and

17 (vi) General supervision and help in daily living.

18 [(l)] (M) (1) "Related institution" means an organized institution, environment,
19 or home that:

20 (i) Maintains conditions or facilities and equipment to provide
21 domiciliary, personal, or nursing care for 2 or more unrelated individuals who are
22 dependent on the administrator, operator, or proprietor for nursing care or the
23 subsistence of daily living in a safe, sanitary, and healthful environment; and

24 (ii) Admits or retains the individuals for overnight care.

25 (2) "Related institution" does not include a nursing facility or visiting nurse
26 service that is conducted only by or for adherents of a bona fide church or religious
27 organization, in accordance with tenets and practices that include reliance on treatment
28 by spiritual means alone for healing.

29 (N) "RESIDENTIAL TREATMENT CENTER" MEANS A RELATED INSTITUTION
30 THAT PROVIDES INPATIENT TREATMENT FOR EMOTIONALLY DISTURBED
31 CHILDREN OR ADOLESCENTS WITH OVERNIGHT ACCOMMODATIONS FOR TWO OR
32 MORE NONRELATED INDIVIDUALS WHO ARE REFERRED FOR ADMISSION ON THE
33 RECOMMENDATION OF A PHYSICIAN.

34 [(m)] (O) "Unrelated individual" means anyone who is not:

35 (1) A child, grandchild, parent, grandparent, sibling, stepparent, stepchild,
36 or spouse of the proprietor; or

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1 (2) An in-law of any of these individuals.

2 19-307.

3 (b) A related institution shall be classified:

4 (1) As a care home if the related institution provides care to individuals
5 who, because of advanced age or physical or mental disability, require domiciliary care or
6 personal care in a protective environment; [or]

7 (2) As a nursing home if the related institution:

8 (i) Provides nursing care for chronically ill or convalescent patients; or

9 (ii) Offers to provide 24-hour a day nursing care of patients in a
10 home-type facility such as:

11 1. A convalescent home;

12 2. A nursing unit of a home for the aged;

13 3. A psychiatric nursing home;

14 4. A nursing facility for the handicapped;

15 5. A home for alcoholics; or

16 6. A halfway house; OR

17 (3) AS A RESIDENTIAL TREATMENT CENTER IF THE RELATED
18 INSTITUTION PROVIDES INPATIENT TREATMENT FOR EMOTIONALLY DISTURBED
19 CHILDREN OR ADOLESCENTS.

20 19-308.

21 (a) The Secretary shall adopt reasonable rules and regulations that set standards
22 of services for related institutions and nonaccredited hospitals in the following areas:

23 (1) The care of patients;

24 (2) The medical supervision of patients;

25 (3) The physical environment;

26 (4) Disease control;

27 (5) Sanitation;

28 (6) Safety; and

29 (7) Dietary matters.

30 (b) (1) To assure compliance with the standards adopted under this subtitle, the
31 Secretary shall have an inspection made:

32 (i) Of each related institution and each nonaccredited hospital for
33 which a license is sought; and

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1 (ii) Periodically of each related institution and each nonaccredited
2 hospital for which a license has been issued.

3 (2) An accredited hospital shall be subject to inspections under this subtitle
4 by the Department for:

5 (i) A complaint investigation in accordance with § 19-309 of this part;

6 (ii) Reviewing compliance with licensure requirements for risk
7 management, utilization review, and physician credentialing under § 19-319 of this
8 subtitle; or

9 (iii) Reviewing compliance with a written progress report or other
10 documentation of corrective action in response to a focused survey submitted by the
11 hospital to the Joint Commission on Accreditation of Health Care Organizations in
12 response to a Type I finding that the hospital is only in partial compliance with the
13 patient care standards established by the Joint Commission on Accreditation of Health
14 Care Organizations.

15 (3) When conducting an inspection of an accredited hospital OR
16 ACCREDITED RESIDENTIAL TREATMENT CENTER, the Department shall use the
17 current standards of the Joint Commission on Accreditation of Health Care
18 Organizations.

19 (4) A hospital that begins initial operation on or after July 1, 1982 shall be
20 inspected for compliance with the safety and sanitation components of the regulations
21 promulgated by the Department. If the hospital has not applied for accreditation by the
22 Joint Commission on Accreditation of Health Care Organizations within 1 year after
23 beginning operation or has had its application for accreditation rejected, the Department
24 shall inspect the hospital for compliance with the standards adopted under this subtitle.

25 (5) At least 2 inspections a year of each related institution shall be
26 unannounced.

27 (6) The part of a building that contains part of a hospital or related
28 institution and any outbuilding are considered part of the facility and are subject to
29 inspection to determine occupancy status for licensing purposes.

30 (7) Subject to § 2-1312 of the State Government Article, during each
31 regular session of the General Assembly, the Department shall submit to the General
32 Assembly a report on the inspections.

33 (8) (i) An employee of the Department may not inform a hospital or
34 related institution of any proposed inspection activity, unless the chief of the employee's
35 division directs the employee to do so.

36 (ii) An employee who violates any provision of this paragraph is guilty
37 of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or
38 imprisonment not exceeding 1 year or both.

39 (c) (1) An accredited hospital OR ACCREDITED RESIDENTIAL TREATMENT
40 CENTER shall submit the survey findings of the Joint Commission on Accreditation of

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1 Health Care Organizations within 30 days of receipt by the hospital OR ACCREDITED
2 RESIDENTIAL TREATMENT CENTER to the Department.

3 (2) Except as provided in paragraph (5) of this subsection, an accredited
4 hospital's OR ACCREDITED RESIDENTIAL TREATMENT CENTER'S official accreditation
5 report and any summary of the report, written progress reports, or plans of correction
6 which are submitted to the Secretary are confidential and are not discoverable or
7 admissible as evidence in any civil action.

8 (3) The Secretary shall refer any request for public inspection of a survey
9 report made by the Joint Commission on Accreditation of Health Care Organizations for
10 an accredited hospital OR ACCREDITED RESIDENTIAL TREATMENT CENTER directly to
11 the hospital OR RESIDENTIAL TREATMENT CENTER.

12 (4) Upon the written request of any person, within 15 working days, the
13 accredited hospital OR ACCREDITED RESIDENTIAL TREATMENT CENTER shall make
14 available for public inspection the most recent accreditation letter and any Type I
15 recommendations if the Joint Commission on Accreditation of Health Care Organizations
16 has made a final decision on any appeal by the hospital OR RESIDENTIAL TREATMENT
17 CENTER of the Type I recommendations.

18 (5) If information is released in accordance with paragraph (4) of this
19 subsection, that information is no longer confidential, but is not discoverable or
20 admissible in any civil action.

21 (6) [A hospital] AN accreditation report, including any summary of the
22 report and any information contained in the report, disclosed by a hospital OR
23 RESIDENTIAL TREATMENT CENTER, the Joint Commission on the Accreditation of
24 Health Care Organizations, or the Department is not admissible or discoverable in any
25 civil action.

26 (7) If an accredited hospital OR ACCREDITED RESIDENTIAL TREATMENT
27 CENTER willfully fails to comply with the provisions of this subsection, the Secretary may
28 impose a penalty not to exceed \$1,000 a day for each day the violation continues.

29 19-309.

30 (b) (1) To resolve expeditiously a complaint that alleges the existence of any
31 nonlife-threatening deficiency, the Department may refer the complaint directly to the
32 hospital.

33 (2) If appropriate, issues relating to the practice of medicine or the
34 licensure or conduct of a health professional shall be referred to the hospital and may be
35 referred to the appropriate licensure board for resolution.

36 (3) If the Department determines that the hospital OR RESIDENTIAL
37 TREATMENT CENTER has not satisfactorily addressed the referred complaint or where
38 the complaint alleges the existence of a life-threatening deficiency, the Department shall
39 conduct an independent investigation. When conducting its independent investigation,
40 the Department shall use:

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1 (i) For an accredited hospital OR ACCREDITED RESIDENTIAL
2 TREATMENT CENTER, the standards of review of the Joint Commission on Accreditation
3 of [Hospitals] HEALTH CARE ORGANIZATIONS;

4 (ii) For a nonaccredited hospital, the standards adopted by the
5 Secretary under this subtitle; and

6 (iii) For an accredited or nonaccredited hospital that is a facility as
7 defined under § 19-319.2 of this subtitle, the requirements of §§ 10-701 through 10-709
8 of this article.

9 19-319.

10 (c) (1) The applicant shall have a certificate of need, as required under Subtitle
11 1 of this title, for the hospital or related institution to be operated.

12 (2) The hospital or related institution to be operated shall:

13 (i) Be an accredited hospital OR ACCREDITED RESIDENTIAL
14 TREATMENT CENTER; or

15 (ii) Meet the requirements that the Secretary adopts under this
16 subtitle and Subtitle 12 of this title.

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