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By: **Delegates Montague and Cole**  
Introduced and read first time: February 11, 2000  
Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Justice - Department of Health and Mental Hygiene - Monitoring**  
3 **Injuries at Juvenile Facilities**

4 FOR the purpose of requiring the Department of Health and Mental Hygiene to  
5 monitor certain incidences of physical injuries at certain juvenile facilities  
6 operated by the Department of Juvenile Justice; authorizing the Secretary of  
7 Health and Mental Hygiene to designate a certain unit to conduct the  
8 monitoring; authorizing the designated unit to perform certain acts to carry out  
9 the purpose of this Act; prohibiting the disclosure of certain information to  
10 certain persons under certain circumstances; authorizing the disclosure of  
11 certain information to the public under certain circumstances; requiring the  
12 designated unit to submit a quarterly report to the Secretary of Health and  
13 Mental Hygiene; requiring the Secretary of Health and Mental Hygiene to  
14 submit an annual report to the General Assembly; defining a certain term;  
15 providing for the termination of this Act; and generally relating to the  
16 monitoring of certain injuries at certain juvenile facilities operated by the  
17 Department of Juvenile Justice.

18 BY adding to  
19 Article 83C - Juvenile Justice  
20 Section 2-134  
21 Annotated Code of Maryland  
22 (1998 Replacement Volume and 1999 Supplement)

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

25 **Article 83C - Juvenile Justice**

26 2-134.

27 (A) IN THIS SECTION, "JUVENILE FACILITY" MEANS A FACILITY FOR  
28 DETENTION, AS DEFINED IN § 3-801 OF THE COURTS ARTICLE, OR FOR THE  
29 PLACEMENT OF CHILDREN AFTER DISPOSITION UNDER § 3-820 OF THE COURTS  
30 ARTICLE.

1 (B) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL MONITOR  
2 INCIDENCES OF PHYSICAL INJURY SUSTAINED BY CHILDREN AT JUVENILE  
3 FACILITIES OPERATED BY THE DEPARTMENT.

4 (C) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL DESIGNATE  
5 THE APPROPRIATE UNIT WITHIN THE DEPARTMENT OF HEALTH AND MENTAL  
6 HYGIENE TO CONDUCT THE MONITORING REQUIRED UNDER SUBSECTION (B) OF  
7 THIS SECTION.

8 (D) THE UNIT DESIGNATED UNDER SUBSECTION (C) OF THIS SECTION MAY  
9 PERFORM ANY ACTS NECESSARY TO CARRY OUT THE PURPOSE OF THIS SECTION  
10 INCLUDING:

11 (1) MEETING WITH ANY PHYSICIAN WHO:

12 (I) PROVIDES ON-CALL EMERGENCY SERVICES TO A JUVENILE  
13 FACILITY; OR

14 (II) IS ADMINISTRATIVELY RESPONSIBLE FOR SUPERVISING THE  
15 HEALTH SERVICES OF A JUVENILE FACILITY; AND

16 (2) GAINING ACCESS TO ANY APPROPRIATE INFORMATION INCLUDING:

17 (I) MEDICAL POLICIES AND PROCEDURES OF A JUVENILE  
18 FACILITY;

19 (II) MEDICAL RECORDS OF CHILDREN AT A JUVENILE FACILITY;  
20 AND

21 (III) SPECIAL REPORTS OF THE ADMINISTRATIVE HEAD OF A  
22 JUVENILE FACILITY CONCERNING:

23 1. SERIOUS INJURIES AND CONDITIONS REQUIRING  
24 HOSPITALIZATION;

25 2. DEATHS; AND

26 3. ANY OCCURRENCES THAT THREATEN THE WELFARE,  
27 SAFETY, OR HEALTH OF ANY CHILD IN A JUVENILE FACILITY.

28 (E) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE:

29 (1) MAY NOT DISCLOSE TO ANY PERSON OR GOVERNMENT OFFICIAL  
30 ANY IDENTIFYING INFORMATION OBTAINED BY THE DEPARTMENT OF HEALTH AND  
31 MENTAL HYGIENE CONCERNING ANY SPECIFIC CHILD; AND

32 (2) MAY MAKE PUBLIC OTHER INFORMATION UNLESS PROHIBITED BY  
33 LAW.

1 (F) (1) THE DESIGNATED UNIT OF THE DEPARTMENT OF HEALTH AND  
2 MENTAL HYGIENE SHALL SUBMIT A QUARTERLY REPORT OF ITS FINDINGS TO THE  
3 SECRETARY OF HEALTH AND MENTAL HYGIENE.

4 (2) THE SECRETARY OF HEALTH AND MENTAL HYGIENE SHALL SUBMIT  
5 AN ANNUAL REPORT OF ITS FINDINGS AND ANY RECOMMENDATIONS TO THE  
6 GENERAL ASSEMBLY ON OR BEFORE DECEMBER 30 OF EACH YEAR, IN ACCORDANCE  
7 WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 July 1, 2000. It shall remain effective for a period of 5 years and, at the end of June  
10 30, 2005, with no further action required by the General Assembly, this Act shall be  
11 abrogated and of no further force and effect.