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By: **Delegate Marriott**

Introduced and read first time: February 22, 2000

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Individuals in Mental Health Facilities with Developmental Disabilities**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to study  
4 and report on certain information regarding individuals who are confined in  
5 State mental health facilities and who also qualify for services from the  
6 Developmental Disabilities Administration.

7 BY repealing and reenacting, without amendments,  
8 Article - Health - General  
9 Section 10-101(e), (f), (g), and (h)  
10 Annotated Code of Maryland  
11 (1994 Replacement Volume and 1999 Supplement)

12 **Preamble**

13 WHEREAS, There are numerous individuals confined to mental health  
14 facilities who have multiple disabilities that qualify them for services from the  
15 Developmental Disabilities Administration;

16 WHEREAS, Individuals with multiple disabilities have unique habilitation  
17 and treatment needs;

18 WHEREAS, Serving individuals with multiple disabilities to best meet their  
19 needs requires development of a multidisciplinary community based service system;  
20 now, therefore,

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

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**Article - Health - General**

2 10-101.

3 (e) (1) Except as otherwise provided in this title, "facility" means any public  
4 or private clinic, hospital, or other institution that provides or purports to provide  
5 treatment or other services for individuals who have mental disorders.

6 (2) "Facility" does not include a Veterans' Administration hospital.

7 (f) (1) "Mental disorder" means a behavioral or emotional illness that  
8 results from a psychiatric or neurological disorder.

9 (2) "Mental disorder" includes a mental illness that so substantially  
10 impairs the mental or emotional functioning of an individual as to make care or  
11 treatment necessary or advisable for the welfare of the individual or for the safety of  
12 the person or property of another.

13 (3) "Mental disorder" does not include mental retardation.

14 (g) "State Advisory Council" means the State Advisory Council on Mental  
15 Hygiene.

16 (h) "State facility" means a facility that is owned or operated by the  
17 Department.

18 SECTION 2. AND BE IT FURTHER ENACTED, That:

19 (a) "Qualified individual" means an individual who has a disability that  
20 qualifies the individual for services from the Development Disabilities  
21 Administration.

22 (b) The Department of Health and Mental Hygiene shall study and prepare a  
23 written report that protects the confidentiality of qualified individuals and addresses  
24 the following issues:

25 (1) The discharge status of each qualified individual who resides in a  
26 State facility as of July 1, 2000, including:

27 (i) Length of stay;

28 (ii) Diagnosis;

29 (iii) Barriers to release; and

30 (iv) Efforts to discharge;

31 (2) The frequency and length of use of physical restraint during the  
32 period from July 1, 1999 through December 31, 1999, on qualified individuals who  
33 reside in state facilities; and

1           (3)       Alternative methods and locations for serving qualified individuals.

2       (c)       The Department shall submit the written report on or before December 1,  
3 2000, to the General Assembly, in accordance with § 2-1246 of the State Government  
4 Article.

5       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 July 1, 2000.