
By: **Senator Della**

Introduced and read first time: January 18, 2001

Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Violations of the Health - General Article - Notice to Affected Individuals**

3 FOR the purpose of requiring the Secretary of Health and Mental Hygiene to provide
4 written notice to an individual and the individual's legal representative and
5 attending physician and other providers contributing to the individual's care, if
6 the Secretary finds that a regulated provider or health care facility has violated
7 certain laws and takes disciplinary action against the provider or health care
8 facility who has violated those laws; requiring the violating provider or health
9 care facility to pay for the cost of the notice; requiring that the notice be
10 forwarded by the Secretary or, at the discretion of the Secretary, by the provider
11 or health care facility who has violated the statutory provision; requiring a
12 certain form of notice; authorizing the Secretary to adopt certain regulations;
13 and generally relating to notice of a violation of certain laws.

14 BY adding to

15 Article - Health - General

16 Section 19-2001 to be under the new subtitle "Subtitle 20. Notice of Violations"

17 Annotated Code of Maryland

18 (2000 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Health - General**

22 **SUBTITLE 20. NOTICE OF VIOLATIONS.**

23 19-2001.

24 (A) IF THE SECRETARY FINDS THAT A REGULATED PROVIDER OR HEALTH
25 CARE FACILITY HAS VIOLATED A PROVISION OF THIS ARTICLE AND TAKES
26 DISCIPLINARY ACTION AGAINST THAT PROVIDER OR HEALTH CARE FACILITY, THE
27 SECRETARY SHALL PROVIDE WRITTEN NOTICE OF THE VIOLATION AND
28 DISCIPLINARY ACTION TO:

1 (1) THE INDIVIDUAL WHOSE CARE, TREATMENT, OR CIRCUMSTANCES
2 GAVE RISE TO THE DISCIPLINARY ACTION AND THE INDIVIDUAL'S LEGAL
3 REPRESENTATIVE;

4 (2) AN INDIVIDUAL WHO HAS BEEN ADVERSELY AFFECTED BY THE
5 CONDUCT OR CONDITION GIVING RISE TO THE VIOLATION AND THAT INDIVIDUAL'S
6 LEGAL REPRESENTATIVE;

7 (3) THE ATTENDING PHYSICIAN FOR AN INDIVIDUAL IDENTIFIED IN
8 ITEMS (1) AND (2) OF THIS SUBSECTION; AND

9 (4) ANY OTHER HEALTH CARE PROVIDER CONTRIBUTING TO THE CARE
10 OF THE INDIVIDUAL IDENTIFIED IN ITEMS (1) AND (2) OF THIS SUBSECTION.

11 (B) A REGULATED PROVIDER OR HEALTH CARE FACILITY WHO VIOLATES A
12 PROVISION OF THIS ARTICLE SHALL PAY THE COST OF PROVIDING THE WRITTEN
13 NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

14 (C) THE WRITTEN NOTICE REQUIRED UNDER SUBSECTION (A) OF THIS
15 SECTION SHALL BE DELIVERED:

16 (1) BY THE SECRETARY; OR

17 (2) AT THE DISCRETION OF THE SECRETARY, BY THE REGULATED
18 PROVIDER OR HEALTH CARE FACILITY WHO VIOLATED A PROVISION OF THIS
19 ARTICLE.

20 (D) THE WRITTEN NOTICE REQUIRED UNDER THIS SECTION SHALL BE IN A
21 FORM PRESCRIBED BY THE SECRETARY.

22 (E) THE SECRETARY MAY ADOPT REGULATIONS TO IMPLEMENT THIS
23 SECTION.

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2001.