
By: **Delegates Costa, Hubbard, Benson, Boutin, Kullen, Murray, Oaks,
Pendergrass, and Rudolph**

Introduced and read first time: February 7, 2005

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration - Prioritization System for**
3 **Investigations**

4 FOR the purpose of requiring the Developmental Disabilities Administration, in
5 conjunction with the Office of Health Care Quality, to adopt regulations
6 establishing a certain prioritization system for responding to and investigating
7 certain incidents; requiring the Administration to seek input from certain
8 individuals in developing the regulations; and generally relating to a
9 prioritization system for investigations of licensees of the Developmental
10 Disabilities Administration.

11 BY repealing and reenacting, with amendments,
12 Article - Health - General
13 Section 7-909
14 Annotated Code of Maryland
15 (2000 Replacement Volume and 2004 Supplement)

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

18 **Article - Health - General**

19 7-909.

20 (a) In this section, the word "licensee" means a person who is licensed by the
21 Administration under this title to provide services.

22 (b) The Administration or its agent shall inspect each site or office operated by
23 a licensee at least once annually and at any other time that the Administration
24 considers necessary.

25 (c) The Administration shall keep a report of each inspection.

26 (d) The Administration shall bring any deficiencies to the attention of:

1 (1) The executive officer of the licensee; or

2 (2) In the case of an intermediate care facility-mental retardation, the
3 State Planning Council and the State-designated protection and advocacy agency.

4 (E) (1) THE ADMINISTRATION, IN CONJUNCTION WITH THE OFFICE OF
5 HEALTH CARE QUALITY, SHALL ADOPT REGULATIONS THAT ESTABLISH A SYSTEM OF
6 PRIORITIZATION TO RESPOND TO AND INVESTIGATE SERIOUS REPORTABLE
7 INCIDENTS, AS DEFINED BY THE ADMINISTRATION, IN THE AREAS OF ABUSE,
8 NEGLECT, SERIOUS INJURY, AND MEDICATION ERRORS THAT THREATEN THE
9 HEALTH, SAFETY, AND WELL-BEING OF INDIVIDUALS RECEIVING SERVICES FUNDED
10 BY THE ADMINISTRATION IN STATE-OPERATED AND COMMUNITY PROGRAMS
11 LICENSED BY THE ADMINISTRATION.

12 (2) THE ADMINISTRATION SHALL SEEK INPUT FROM INDIVIDUALS WITH
13 DISABILITIES AND THEIR FAMILIES, LICENSEES, AND ADVOCACY ORGANIZATIONS IN
14 DEVELOPING THE REGULATIONS, PRIOR TO PUBLISHING THE REGULATIONS IN THE
15 MARYLAND REGISTER FOR PUBLIC COMMENT.

16 (3) THE REGULATIONS SHALL DEFINE AND ADDRESS:

17 (I) THE SYSTEM OF PRIORITIZATION FOR INVESTIGATION OF
18 SERIOUS REPORTABLE INCIDENTS AND DEATHS;

19 (II) THE SPECIFIC ROLES AND RESPONSIBILITIES OF EACH
20 GOVERNMENTAL UNIT INVOLVED IN INVESTIGATING LICENSEES;

21 (III) METHODS OF INVESTIGATIONS, INCLUDING ON-SITE
22 INVESTIGATIONS;

23 (IV) TIME LINES FOR RESPONSE TO SERIOUS REPORTABLE
24 INCIDENTS AND DEATHS AND INVESTIGATION OF SERIOUS REPORTABLE INCIDENTS
25 AND DEATHS;

26 (V) TIME LINES FOR ISSUING SPECIFIED REPORTS, INCLUDING
27 CORRECTIVE ACTION PLANS, TO THE ADMINISTRATION, LICENSEE, MORTALITY
28 REVIEW COMMITTEE, MEDICAID FRAUD UNIT, INDIVIDUALS RECEIVING SERVICES
29 FROM THE LICENSEE INVOLVED IN THE INCIDENT AND THEIR GUARDIANS OR
30 FAMILY MEMBERS, AND OTHERS;

31 (VI) FOLLOW-UP MONITORING REQUIREMENTS AND TIME LINES
32 FOR THE OFFICE OF HEALTH CARE QUALITY AND THE ADMINISTRATION TO ENSURE
33 THAT CORRECTIVE ACTION HAS BEEN IMPLEMENTED BY THE LICENSEE; AND

34 (VII) FOLLOW-UP MONITORING METHODS IN THE CASE OF A
35 STATE-OPERATED OR COMMUNITY LICENSEE THAT HAS NO DOCUMENTED SERIOUS
36 REPORTABLE INCIDENTS OF ABUSE OR NEGLECT WITHIN A CERTAIN PERIOD OF
37 TIME.

1 (4) THE FOLLOW-UP MONITORING MAY INCLUDE AN ON-SITE REVIEW
2 TO DETERMINE THAT THERE ARE NO SERIOUS REPORTABLE INCIDENTS OF ABUSE
3 AND NEGLECT, MODIFIED SURVEY SCHEDULES FOR LICENSEES DEMONSTRATING
4 CERTAIN QUALITY STANDARDS OF COMPLIANCE, AND OTHER MEASURES TO ENSURE
5 THE HEALTH, SAFETY, AND WELL-BEING OF INDIVIDUALS.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 July 1, 2005.