

ENROLLED BILL

-- Health and Government Operations/Education, Health, and Environmental Affairs --

Introduced by **Delegate Rudolph**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Emergency Management - ~~Evacuation~~ Emergency Plans for Regulated**
3 **Human Service Facilities**

4 FOR the purpose of ~~requiring local organizations for emergency management to~~
5 ~~coordinate with certain regulated facilities in the political subdivision to ensure~~
6 ~~that the regulated residence has an emergency evacuation plan and that the~~
7 ~~local organization has a copy of the plan; requiring local organizations for~~
8 ~~emergency management to review the emergency evacuation plans and consult~~
9 ~~with certain local agencies and private ambulance services for certain purposes;~~
10 ~~and generally relating to emergency management by local organizations for~~
11 ~~emergency management~~ requiring certain regulated human service facilities to
12 develop an emergency plan; specifying the required contents of the plan;
13 requiring certain State agencies, in consultation with certain human service
14 facilities and certain State and local emergency management agencies, to adopt
15 certain regulations; requiring certain human service facilities to provide access
16 to certain emergency plans to local organizations for emergency management;
17 defining a certain term; requiring the Governor's Office of Homeland Security to

1 report to certain committees of the General Assembly on the implementation of
 2 this Act on or before a certain date; requiring certain regulations to include
 3 certain guidelines for the creation of a certain executive summary to be provided
 4 to certain family members on request; requiring the Department of Health and
 5 Mental Hygiene to consult with certain providers of certain community mental
 6 health residential programs regarding the application of this Act; and generally
 7 relating to emergency plans for certain regulated human service facilities.

8 BY adding to

9 Article - Public Safety

10 Section 14-110.1

11 Annotated Code of Maryland

12 (2003 Volume and 2005 Supplement)

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

15 **Article - Public Safety**

16 14-110.1.

17 ~~(A) THIS SECTION APPLIES TO NURSING HOMES, ASSISTED LIVING~~
 18 ~~FACILITIES, RESIDENTIAL FACILITIES FOR CHILDREN, AND OTHER REGULATED~~
 19 ~~FACILITIES THAT HOUSE THE ELDERLY, FRAIL, DISABLED, INDIVIDUALS WITH~~
 20 ~~SPECIAL NEEDS, AND CHILDREN WHO ARE DEPENDENT ON THEIR CAREGIVERS.~~

21 ~~(B) EACH LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT SHALL~~
 22 ~~COORDINATE WITH EACH REGULATED FACILITY DESCRIBED IN SUBSECTION (A) OF~~
 23 ~~THIS SECTION IN THE POLITICAL SUBDIVISION TO ENSURE THAT:~~

24 ~~(1) THE REGULATED FACILITY HAS AN EMERGENCY EVACUATION PLAN;~~
 25 ~~AND~~

26 ~~(2) THE LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT HAS A~~
 27 ~~COPY OF THE REGULATED FACILITY'S EMERGENCY EVACUATION PLAN.~~

28 ~~(C) THE LOCAL ORGANIZATION FOR EMERGENCY MANAGEMENT SHALL:~~

29 ~~(1) REVIEW THE EMERGENCY EVACUATION PLANS OF THE REGULATED~~
 30 ~~FACILITIES IN THE POLITICAL SUBDIVISION TO PLAN FOR AND COORDINATE~~
 31 ~~RESOURCE ALLOCATION TO MEET THE EVACUATION NEEDS OF THE REGULATED~~
 32 ~~FACILITIES; AND~~

33 ~~(2) CONSULT WITH LOCAL FIRE AND EMERGENCY MEDICAL SERVICES~~
 34 ~~AGENCIES AND PRIVATE AMBULANCE SERVICES TO ENSURE COORDINATION OF~~
 35 ~~MEDICAL TRANSPORT DURING AN EVACUATION OF A REGULATED FACILITY IN THE~~
 36 ~~POLITICAL SUBDIVISION.~~

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
2 ~~October 1, 2006.~~

3 (A) IN THIS SECTION, "HUMAN SERVICE FACILITY" MEANS A FACILITY
4 LICENSED BY THE STATE THAT IS:

5 (1) A NURSING HOME, AS DEFINED IN ~~§ 19-401~~ § 19-1401 OF THE HEALTH
6 - GENERAL ARTICLE;

7 (2) AN ASSISTED LIVING FACILITY, AS DEFINED IN § 19-1801 OF THE
8 HEALTH - GENERAL ARTICLE;

9 (3) A HOSPITAL, AS DEFINED IN § 19-301 OF THE HEALTH - GENERAL
10 ARTICLE;

11 (4) A RELATED INSTITUTION AS DEFINED IN § 19-301 OF THE HEALTH -
12 GENERAL ARTICLE;

13 ~~(5) A FACILITY AS DEFINED IN § 10-101 OF THE HEALTH - GENERAL~~
14 ~~ARTICLE;~~

15 (5) A STATE-OPERATED INSTITUTION FOR MENTAL DISEASE;

16 (6) A GROUP HOME AS DEFINED IN § 7-101 OF THE HEALTH - GENERAL
17 ARTICLE;

18 (7) AN ALTERNATIVE LIVING UNIT AS DEFINED IN § 7-101 OF THE
19 HEALTH - GENERAL ARTICLE; AND

20 (8) A STATE RESIDENTIAL CENTER AS DEFINED IN § 7-101 OF THE
21 HEALTH - GENERAL ARTICLE.

22 (B) A HUMAN SERVICE FACILITY SHALL DEVELOP AN EMERGENCY PLAN.

23 (C) AN EMERGENCY PLAN SHALL INCLUDE PROCEDURES THAT WILL BE
24 FOLLOWED BEFORE, DURING, AND AFTER AN EMERGENCY TO ADDRESS:

25 (1) THE EVACUATION, TRANSPORTATION, OR SHELTER-IN-PLACE OF
26 INDIVIDUALS SERVED BY THE HUMAN SERVICE FACILITY;

27 (2) THE NOTIFICATION TO FAMILIES, STAFF, AND LICENSING
28 AUTHORITIES REGARDING THE ACTION THAT WILL BE TAKEN CONCERNING THE
29 SAFETY AND WELL-BEING OF THE INDIVIDUALS SERVED BY THE HUMAN SERVICE
30 FACILITY;

31 (3) STAFF COVERAGE, ORGANIZATION, AND ASSIGNMENT OF
32 RESPONSIBILITIES; AND

33 (4) THE CONTINUITY OF OPERATIONS, INCLUDING:

1 (I) PROCURING ESSENTIAL GOODS, EQUIPMENT, AND SERVICES;

2 AND

3 (II) RELOCATION TO ALTERNATE FACILITIES.

4 (D) (1) ON OR BEFORE NOVEMBER 30, 2007, A STATE AGENCY THAT IS
5 RESPONSIBLE FOR THE LICENSING OF A HUMAN SERVICE FACILITY SHALL ADOPT
6 REGULATIONS GOVERNING THE DEVELOPMENT OF EMERGENCY PLANS UNDER THIS
7 SECTION.

8 (2) REGULATIONS ADOPTED UNDER PARAGRAPH (1) OF THIS
9 SUBSECTION SHALL BE DEVELOPED IN CONSULTATION WITH REPRESENTATIVES OF:

10 (I) THE MARYLAND EMERGENCY MANAGEMENT AGENCY;

11 (II) THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
12 SERVICES SYSTEMS;

13 (III) LOCAL ORGANIZATIONS FOR EMERGENCY MANAGEMENT; AND

14 (IV) HUMAN SERVICE FACILITIES.

15 (E) FOR PURPOSES OF COORDINATING LOCAL EMERGENCY PLANNING
16 EFFORTS, A HUMAN SERVICE FACILITY SHALL PROVIDE ACCESS TO THE EMERGENCY
17 PLANS DEVELOPED UNDER THIS SECTION TO LOCAL ORGANIZATIONS FOR
18 EMERGENCY MANAGEMENT.

19 SECTION 2. AND BE IT FURTHER ENACTED, That the Governor's Office of
20 Homeland Security shall report to the Senate Education, Health, and Environmental
21 Affairs Committee and the House Health and Government Operations Committee, in
22 accordance with § 2-1246 of the State Government Article, on or before January 31,
23 2007, on the implementation of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That the regulations adopted
25 under § 14-110.1(d) of the Health - General Article, as enacted by Section 1 of this Act,
26 shall include guidelines for the creation of an executive summary of the evacuation
27 procedures of a human service facility that shall be provided to the family member of
28 a resident or the family member of a patient of a human service facility on request.

29 SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Health
30 and Mental Hygiene shall consult with the providers of licensed community mental
31 health residential programs following the adoption of regulations to implement this
32 Act in order to evaluate whether the provisions of this Act should apply to licensed
33 community mental health residential programs.

34 SECTION ~~3~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take
35 effect June 1, 2006.

